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ABSTRACT

Transcripts of the hearings on honor codes at the federal military academies in June and August of 1976 include the statements of the Secretary of the Army, Superintendent of the U.S. Military Academy, Commandant of Cadets at the Military Academy, Superintendent of the Naval Academy, the Officer Representative to the Brigade Honor Committee (Naval Academy), Superintendent of the Air Force Academy, Commandant of Cadets (Air Force Academy), Cochairmen of the Superintendent's Special Study Group on Honor at West Point, other military committee members, a faculty member (Military Academy), and Representative Tom Downey of New York. (MSE)

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HONOR CODES AT THE SERVICE ACADEMIES

HEARINGS
BEFORE THE
SUBCOMMITTEE ON
MANPOWER AND PERSONNEL
OF THE
COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE
NINETY-FOURTH CONGRESS
SECOND SESSION

JUNE 21, 22, 23, 29, 30, AUGUST 9 AND 23, 1976

Printed for the use of the Committee on Armed Services

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HONOR CODES AT THE SERVICE ACADEMIES

MONDAY, JUNE 21, 1976

U.S. Senate,
Subcommittee on Manpower and Personnel
of the Committee on Armed Services,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:03 a.m., in room 1318, Dirksen Senate Office Building, Senator Sam Nunn, chairman, presiding.

Present: Senators Nunn, Culver, Bartlett, and Hart of Colorado.

Also present: Francis J. Sullivan, professional staff member; W. Clark McFadden, general counsel, John T. Ticer, chief clerk; Charles J. Conneely, Kenneth W. Fish, John A. Goldsmith, George Travers, professional staff members; Louise A. Hoppe, and Roberta A. Ujakovich, research assistants, Mary G. Ketner, clerical assistant, Jeffrey Record, assistant to Senator Nunn; Charles Stevenson, assistant to Senator Culver; and Fred Ruth, assistant to Senator Bartlett.

OPENING STATEMENT BY SENATOR SAM NUNN, CHAIRMAN

Senator Nunn. Secretary Hoffmann, Superintendent Berry, Commandant Ulmer, it is a pleasure to have you here. This subcommittee meets today on a matter of serious national concern stemming from recent revelations of a major cheating incident which took place at West Point last March. According to press reports, approximately 20 percent of the entire class of 1977 at the U.S. Military Academy has been implicated in cheating on a take-home quiz in an electrical engineering course.

This is not the first cheating incident which has occurred at our service academies, but it is the largest, and it comes at a time when our Military Establishment is attempting to retrieve its traditional standing in society in a post-Vietnam, post-Watergate environment.

The U.S. Military Academy at West Point is our oldest military service academy. For almost two centuries, the "long gray line" has produced an impressive share of our great military leaders. Scott, Lee, Jackson, Sherman, Pershing, Eisenhower, MacArthur, and Ridgeway are just a few of the names that adorn the Point's hallowed halls. Moreover, millions of Americans still view West Point—and I think rightfully so—as one of the repositories of traditional American values—a bastion of certainty, calm, and self-assurance in an era of turbulence and ever-changing ethical standards and lifestyles in our Nation and indeed in the world. Thus, West Point is not only a principal breeding ground for the Army's Officer Corps of the future, it is also a living monument to our country's past.

Any degradation of West Point's renown affects us as Americans and as celebrants of our Nation's 200th anniversary. Additionally, as taxpayers, the American people through their elected representatives have other legitimate grounds for inquiry into the character and performance of an institution which is supported entirely by public funds. Each individual who graduates from a service academy represents a public investment of up to $100,000. The separation of a large number of students prior to graduation for any reason, therefore, cannot and should not escape public attention and scrutiny.

The focus of these hearings is not confined to cheating or to West Point. It is the subcommittee's intention to look at our other service academies and to explore broader issues which may bear directly or indirectly upon the educational development, moral standards, and overall character of the future officers of our military services. These young people who are in the service academies today are the people who lead our sons and daughters in time of dire peril to our country.

Prominent among these issues are the various honor systems now in effect at the service academies. The subcommittee intends to explore a number of questions, including, but not limited to the following:

What are the purposes and procedures of the honor codes and the honor systems and are they serving the purpose for which they are intended?

What are the differences between academy honor systems, and how do they affect student performance?

Is violation of the honor codes infrequent and limited in scope or is it a common occurrence?

With respect to the West Point honor code, which was formally institutionalized by then Superintendent Douglas MacArthur in the early 1920's, is its "nontoleration" provision essential to the maintenance of honorable conduct, or does it reduce cadets to petty policemen obligated to inform upon their fellow cadets? That is of course a very serious question, and I assure you we will respect all reasonable grounds.

Mr. Secretary, after we have opening statements by either Senator Culver or Senator Bartlett, I will ask you to proceed.

Senator Bartlett, do you have an opening statement?

Senator BARTLETT. Yes, Mr. Chairman.

These hearings are very important not only as a means of enlightenment for the Congress, but also for the good of the military academies. Today we are focusing on West Point. This is of special significance to me because I am a member of its board of visitors.

The recent events at West Point have caused the Army to pause and reflect upon what the code of honor means not only to the cadets but to all officers in the Army. The code does not end with graduation from West Point. It is an ideal, a code that its graduates hold sacred throughout their careers.

There have been other violations of the honor code at West Point and the Air Force Academy in the not too distant past, but the Academy survived. I believe that they will continue and will survive to serve the purpose for which they were created.

My main concern in these hearings, Mr. Chairman, is that there may be a tendency to throw out the baby with the bath water, and I would oppose that. The honor code, the honor system, must survive to produce the type of officers we as Americans want and demand in our military leaders. At a time when educational institutions have dropped their honor codes it is vital that our military academies continue their honor systems.

Thank you, Mr. Chairman.

Senator **Nunn.** Senator Culver.

Senator **Culver.** No opening statement.

Senator **Nunn.** Mr. Secretary, why don't you proceed with your statement, and then we will have questions for you.

STATEMENT OF HON. MARTIN R. HOFFMANN, SECRETARY OF THE ARMY, ACCOMPANIED BY LT. GEN. SIDNEY B. BERRY, SUPERINTENDENT, U.S. MILITARY ACADEMY, AND BRIG. GEN. WALTER ULMER, COMMANDANT OF CADETS, U.S. MILITARY ACADEMY

Secretary **Hoffmann.** Mr. Chairman, members of the subcommittee, I am pleased to respond to your invitation to appear before your subcommittee to testify on the West Point honor code and system and the present circumstances of alleged violations of that code and system. I am accompanied by Lt. Gen. Sidney B. Berry, the superintendent of the Military Academy, and Brig. Gen. Walter Ulmer, the commandant of cadets.

Let me state at the outset that we are mindful of the concern of the committee that has resulted in this hearing. As an American citizen and as Secretary of the Army, I consider honor to be the anchor value of the motto, "Duty, Honor, Country" that states the ideals of West Point and of the Army. West Point and the Army have experienced a profound shock with the surfacing of these allegations. Anything affecting honor anywhere in the Army, especially at West Point, concerns the Chief of Staff of the Army, Gen. Fred Weyand, and me. And I am concerned at the situation in which we find ourselves today.

We have a large number of pending cases before the Board of Officers at the Academy. There is litigation already pending surrounding this event. And we wish to be forthcoming, and we will attempt to limit our remarks to the nonprejudicial and avoid references from which the appearances of command influence might be induced.

The U.S. Military Academy is a fundamental national institution whose purpose since its establishment in 1802 by act of Congress has been to educate and train officers for the Regular Army of the United States.

The mission of the U.S. Military Academy is "To instruct and train the Corps of Cadets so that each graduate shall have the qualities and attributes essential to his progressive and continuous development throughout service as an officer in the Regular Army."

Character and integrity necessarily are expected of all who serve the public and hold a public trust. The requirement for these attributes gain additional impetus from the exaction of those roles for which the Military are constituted. West point is a wellspring of these values for the Army.

"Duty, Honor, Country," is more than a motto of the U.S. Military Academy. It is the statement of the ideals of the U.S. Army as well. Since 1802 the mission of the Military Academy has been to produce graduates dedicated to service to the country, and worthy of leading

American soldiers. More specifically, West Point tries to develop top quality military officers, with the character and competence to lead the land combat forces of this Nation in peace and in war.

The Military Academy is a link between American society and the land battlefield. Its function is to transform select young Americans from civilians into exemplary soldier leaders. For 4 years West Point builds upon the qualities cadets bring into the Military Academy and seeks to create, nourish, strengthen, and develop those qualities and attributes, attitudes and ideals that prepare its graduates to deal effectively with the harsh, uncompromising constraints of the battlefield. Such character development has been a major theme since the founding of the Military Academy. It remains so today. As Secretary of War Newton Baker observed: "* * * the inexact or untruthful soldier trifles with the lives of his fellow man, and the honor of his government; in the final analysis of the West Point product, character is the most precious component."

The honor code simply and in its entirety states "A cadet will not lie, cheat, or steal nor tolerate those who do." The code is a focal point for honorable and ethical practice and behavior at the Academy. Adherence is not an end in itself. Rather, the code and the mechanism by which it is implemented and administered—referred to in this system as the honor system—are a means of infusing and strengthening a working concept of integrity which should sustain the cadet both while at the Academy and while serving as an officer in the Armed Services. Honor and an honor code are, of course, only parts of the overall body of ethical standards. The objective is strength of character and practical working integrity through compliance with standards shared and held in highest regard by all who enjoy the benefits of the code and system and share its responsibilities.

The honor code at West Point has existed in one form or another since the Academy was founded in 1802. It was derived from the Officer Code of Honor of the late 1700's. Since 1802 there have been changes in statement, interpretation and applications, and we have outlined those in a brief history attached to this statement as annex A. (See p. 8.) The history makes clear—as the present code and system are designed to make clear—that the foundation of the honor system lies with those who agree to live within its bounds. In the case of West Point, the honor code is the code of the Corps of Cadets. Its strength and viability lie in their confidence in it and their proprietorship of it. Procedures are contained in annex B: (see p. 9) but I think a brief summary will be helpful.

A suspected honor violation may be reported by either a cadet or an officer. The allegation is then investigated by the elected company honor representative. If evidence of a violation is found, it is further investigated by three members of the cadet honor committee which then either dismiss the case or recommend a hearing before a cadet honor board.

The cadet honor board conducts a hearing during which witnesses and the suspected cadet may testify. The cadet is free to consult counsel before and after the hearing, although he is not entitled to legal representation during that honor board hearing. Voting is by secret ballot and a finding of a violation requires the unanimous concurrence of all 12 members.

If the cadet honor board finds a violation, the cadet is advised of his legal rights and given the choice of resigning or appearing before a board of officers. He may consult legal counsel before making his decision. If the cadet elects not to resign, the case is forwarded through the commandant of cadets and the office of the staff judge advocate to the superintendent who appoints the board of officers. The hearing is conducted in accordance with Army regulations. The cadet is afforded the right to a military lawyer at Government expense or civilian counsel at his own expense. The cadet is also provided advance written notice of the allegations against him, time to prepare his defense, the opportunity to cross-examine witnesses, and to call witnesses on his own behalf. If the board of officers exonerates the cadet, that is the end of the matter and the cadet remains in the corps. If the board of officers by majority vote finds a violation, the case is reviewed by the staff advocate and forwarded to the superintendent.

After providing the cadet and his counsel the opportunity to review the verbatim transcript and to submit legal briefs and any other relevant material, the entire case is reviewed personally by the superintendent. If the superintendent agrees with the findings of the board of officers that the respondent has violated the honor code, he forwards the case to Headquarters, Department of the Army.

At the Department of the Army the reviews are conducted by the Office of the Judge Advocate General and the Office of the Deputy Chief of Staff for Personnel. If there are no unusual or controversial aspects of the case, the Deputy Chief of Staff for Personnel has the authority to and makes the final determination. If the case presents unusual or controversial aspects, it is referred to the Secretary of the Army personally for final decision.

Let me outline now the facts which led to the current honor cases.

On March 3 and 4 of this year the Department of Electrical Engineering issued a graded home study project to 823 cadets enrolled in its standard course, EE–304. The project was turned in by each cadet on either March 17 or 18. The instructions on the project were that there was to be no collaboration between cadets during preparation.

During the grading of the papers on March 19, a notation by a cadet admitting unauthorized collaboration led to the discovery that three papers had unusual similarities. The department head then directed that all of the papers be examined for evidence of collaboration. A total of 117 papers, including the first 3, were found to have similarities that suggested collaboration. On April 4 these papers were submitted to the cadet honor committee, which proceeded to investigate the allegations.

Of the original 117, 102 cadets appeared before full cadet honor boards conducted from April 12 through April 21. Fourteen of the 117 were dismissed by the three man investigating committees. Another cadet concerned resigned. An additional cadet resigned while the honor board was considering his case. The boards determined that 50 of the 102 cadets appearing before them had violated the code. Two of those cadets resigned, leaving 48 who requested hearings before boards of officers.

On May 3 the defense lawyers for the cadet respondents requested that I halt the proceedings and seek the assistance of an outside board. I denied the request because I saw no need to deviate from established procedures.

Subsequent investigation by a team from the Department of Electrical Engineering in mid-May revealed that additional cadets were possibly involved in cheating on the same study project. These new allegations were developed by a recheck of all of the 823 papers. This analysis developed indications that an additional 138 cadets might be involved, some of whom had been previously exonerated by the cadet honor committee.

The emergence of these new large numbers and the attendant administrative requirements necessary to respond to them was complicated by additional factors. Exams were scheduled from May 17 to May 27. They were followed by the traditional "June Week" highlighted by the graduation and commissioning of the class of 1976 on June 2. Accordingly, the Superintendent created a joint officer-cadet internal review panel which would substitute for the honor committee and review the allegations feeding from the new technical analysis and to assess information developed by attorneys representing cadet respondents and by board recorders. The cadet chairmen of these 1976 and 1977 honor committees supported the need for the creation of this panel and concurred with the Superintendent's plan. The cadet chairmen agreed with the Superintendent's policy that cadets previously exonerated by cadet boards would not be referred to officer boards by the internal review panel unless additional evidence was forthcoming. On May 26 the commandant talked with the entire class of 1977 about the situation, in particular the formation of the internal review panel, and answered their questions at that time.

As of today, the panel has recommended that an additional 119 cadets appear before officer boards, bringing to 167 the number of cadets referred to officer boards in this situation.

The boards of officers are now in process and a total of 12 cadets have appeared before the boards and the allegations against 11 have been upheld. Other than the cadet who was exonerated, no final determination has been made in any of the cases to date.

Senator NUNN. Let me ask one question there. Just to get the numbers straight; what is the total number who have been implicated already, including some who have been dismissed and including those whose cases are still pending?

Secretary HOFFMANN. The total number in that category is 171.

Senator NUNN. And that includes both the original numbers and the numbers that were reduced on recheck?

Secretary HOFFMANN. Yes, sir; in the original honor board action which reviewed 117, 48 were found for violation, 69 were adjudged not to be guilty of a violation. Of that 69, in the cases of 32 it was recommended, after the second review that in accordance with the standard pursuant to which that review was conducted there should be additional evidence in addition to what was before the original honor board.

Senator NUNN. So there was some overlap in numbers, but the total is 171?

Secretary HOFFMANN. Yes, sir. A general reaffirmation of the fundamental ideals of the code, however resolute, cannot provide answers to the questions that are prompted by the present situation, many of which you have raised in your opening statement. Identifying the causes of such apparent large scale deviations from the well-known tenets of the code—and apportioning responsibility therefor—requires patient, sensitive effort by the Corps of Cadets, the West Point staff and faculty, the Army, and other outside agencies such as this subcommittee. The determination of causative factors is particularly complex within a dynamic educational institution such as the Military Academy. The immediate questions regarding causality can, in my judgment, be answered best through the administrative and legal proceedings that are underway. The rights of all cadets; the interest of prompt justice; the regularity of the administrative and legal processes; and the needs of the institution; are all deserving of protection.

In any thoughtful analysis of the honor code and its administration, there are basic concerns which deserve to be addressed. I will suggest some, you have suggested some, and I am sure the subcommittee members will have others.

For example, a meaningful code must be realistic as well as idealistic. Lying, cheating, and stealing are generally condemned by our society. The inclusion in the cadet honor of a proscription against toleration is not without roots in the society in general and in notions of public service in particular:

It is the duty of a lawyer, for instance, to take action should he become aware of a subornation of perjury, or a hiding of evidence.

It is the duty of a practicing engineer to report a colleague who falsifies or compromises design data.

It is the duty of an airline crew member to report a pilot for unauthorized drinking or any other condition that might compromise his effectiveness in serving the public.

All of these suggest that a system designed to evoke nontoleration of such transgressions in an officer trainee is not amiss. The flip categorization that this equates to being a "tattletale" attempts to dispose too quickly of this important foundation of professional behavior. Such characterizations undermine the moral position of the individual who must make the courageous decision to place his responsibility to society above friendship. Considerations of when friendship must be put aside in favor of a duty to an institution or the society are complex, but not to the point that to address them is impossible.

The honor system—and again I am referring now to those rules and procedures by which the code is implemented in a living world—must also be realistic. The application of the principles of the code through sound honor training should comport with the ideals, expectations, and realities of cadet life. There are many aspects to this question as there are to any system which attempts to proscribe, condition, or exhort human behavior. The scope of application of the code to events and practices; fairness of process; depth and methods of indoctrination, education, and practice; assurance that those to whom the code applies are in fact the foundation of the system; all of these illustrate the multitude of elements of a dynamic system and relate to the question of realism. The system must be responsive both to ideals of conduct and to the world in which it operates. A reaching human spirit must be imparted that elevates the honor process from a mere elicitation of a mechanical or rote response.

From the beginning of this matter last spring, we have not been unmindful of the utility of having a group from outside the Military Academy review the honor system. In the past such groups have been helpful in assessing the strengths and weaknesses of the various components of the Military Academy, placing situations such as the present one in context, and making recommendations. At an appropriate time, with relationship to cases presently in process, we believe it will be a constructive step to request a group of distinguished citizens from various fields of endeavor to review the matter and make recommendations. We are presently making plans to do so, and we will keep the members of the subcommittee—and the public—informed as these plans develop. Naturally—and I emphasize it—there are considerations that must be weighed to insure that the review would not result in prejudice to those cadets whose cases are now before the boards and in process.

Mr. Chairman, let me conclude very briefly by underscoring the confidence that the Army has, and the confidence that the Academy has, that the basic notion of an honor system is realistic, it is possible, it has provided a source of strength for cadets, and for officers and for the Army over the years, and our belief is that notwithstanding the present circumstance that we face, as yet unresolved, that we have in this system and in the code a national resource, and a resource for the Army that is worthy and that should continue.

[Additional information follows:]

ANNEX A—BACKGROUND/GENERAL HISTORY—CADET HONOR CODE/SYSTEM

GENERAL BACKGROUND

The Honor Code at the United States Military Academy has existed in one form or another since the institution's establishment in 1802. It was derived from the officer "Code of Honor" of the late 1700s. Since 1802, it has gone through numerous changes in statement, interpretation and application, evolving into the present Honor Code and System. The modern statement of the Cadet Honor Code is that a cadet does not lie, cheat, or steal, nor tolerate those who do. The Honor System is the application of the Honor Code to the rules by which the cadet lives.

In the earliest days of the Military Academy, the application of the Honor Code was generally enforced by the Superintendents and reflected their interpretation of honor. Prior to Sylvanus Thayer (1817–1833), the Code apparently focused primarily on the issue of lying with the penalty generally dismissal. Cheating was apparently first elevated to the level of an honor violation by Thayer who held strong convictions in the areas of both honor and academic achievement. Following Thayer, cheating faded out of the realm of honor for the remainder of the century. Lying remained contrary to the interpretation of honor at the Military Academy.

In the early 1900s, the issue of cheating again surfaced. In 1905, it was clearly not considered to be an honor violation for a cadet to obtain information pertaining to his academics from an unauthorized source. The punishment for cheating, while very severe, did not necessarily include dismissal. However, in 1907, the Superintendent decided that cheating should be considered in the domain of honor and it has remained so ever since, although the particulars of how honor would apply in the classroom were not formally determined until 1926. Throughout the entire period, stealing has always been considered a dishonorable act. However, it was generally encompassed within the disciplinary regulations and handled as a court martial offense.

The non-toleration of cadets who violate the Honor Code is considered to have been a part of the Honor Code since at least the turn of the century. The earliest documented reference to non-toleration is in a 1908 issue of the *Bugle Notes*, the basic cadet handbook, although there are isolated accounts of the ostracism and/or forced resignation of cadets believed to have violated their honor at West Point prior to that date. It was in 1970 that the non-toleration clause was incorporated in the written statement of the Honor Code, thus formally embracing the actual practice of the Corps of Cadets since at least the early 1900s.

THE HONOR SYSTEM

Formalization of the Honor System began in the late 1800s when cadets began forming grievance committees dealing with various matters of cadet life. The "vigilance committee" was one of these; its domain was matters of honor. Initially, this was an *ad hoc* committee formed as an issue would arise, but at the turn of the century the membership became more stabilized with representatives being elected from their companies. This vigilance committee was not officially recognized by the Administration and it operated independently of any officer involvement. It was General MacArthur in academic year 1921–1922 who as Superintendent officially recognized the "Honor Committee" modeled after the vigilance committee. Prior to this formalization of the Honor Committee, the vigilance committee and its predecessors operated separate from the Tactical Department. Cadets found guilty of violating the Corps' interpretation of honor were forced out of the Corps by such means as hazing or a form of ostracism known as the "silence." Offenses which the Superintendent considered to be violations of honor were handled by boards of officers or court martial. Since 1922 the Honor System has functioned in essentially the same manner as it does today, with the exception of a brief period from 1946 to 1953. Hearings during this time approximated court martial procedures.

The Honor System is a dynamic system. Modifications have been made, over time, as the Corps of Cadets has perceived the need for change in the application of the Honor Code. Many changes have been minor, reflecting changes in administrative procedures, while others have been more substantial. For example, in 1963–64, there was a major simplification of the Honor System. The pervasiveness of the "all-right" and the absence card were reduced from inclusion of hazing, gambling, liquor, narcotics and cadet limits to cadet limits only; and certain reports requiring cadet signature were modified. In 1973 the practice of the "silence" was officially eliminated. More recently, as a result of the Superintendent's 1974–75 Joint Cadet-Officer Study on Honor at West Point, several changes were implemented by the Cadet Honor Committee:

Vice Chairman for Investigations and Education were appointed to assist the chairman of the Honor Committee.

Honor Committee procedures were developed with assistance of military lawyers, published and distributed.

Cadet Honor Board hearings have been opened to the staff, faculty and cadets, unless the accused cadet himself elects to have a closed board; and a report of the findings of the Honor Board is made to the Corps of Cadets.

A comprehensive four year information and education plan on honor was developed for implementation beginning in the summer of 1976.

The Class of 1977 Honor Committee was formed earlier, trained more thoroughly by the First Class Honor Committee, and assigned responsibility earlier than any other Second Class Honor Committee in recent years.

Representatives of the Cadet Honor Committee and an officer representative met twice during Academic Year 1975–76 with similar groups from the Naval and Air Force Academies to discuss and exchange information on honor matters.

ANNEX B—PROCESSING HONOR CODE VIOLATIONS

A suspected honor violation may be reported by either a cadet or an officer. A cadet allegation is initially reported to his elected company Cadet Honor Representative. An allegation by an officer is reported to the Deputy Commandant of Cadets who informs the Chairman of the Cadet Honor Committee. In those instances in which there is evidence that an honor violation has occurred, the allegations are referred to a three member subcommittee of the Cadet Honor Committee. After investigation, the allegations may be dropped or recommended for referral to the Cadet Honor Board consisting of 12 members. The Cadet Honor Board conducts a hearing at which witnesses and the suspected cadet may testify. Officer and cadet spectators may attend unless the hearing is closed at the request of the cadet or the Honor Board. The cadet is present during this entire proceeding except for deliberations. He may confer with legal counsel but is not entitled to legal representation at this stage. However, he is provided a nonvoting Advisor from the Cadet Honor Committee. Voting is by secret ballots and a finding of an honor violation requires the unanimous concurrence of all 12 members of the Honor Board. The cadet is immediately notified of the Cadet Honor Board's findings.

The decisions and recommendations of the Cadet Honor Board are not binding on the Superintendent. The case of *Gaines v. Hoffmann*, 75 Civ. 5120 (S.D.N.Y., 12 Jan 1976, summary affirmance by the 2d Cir., 15 Mar 1976), is illustrative of this point.

In that case the Cadet Honor Board found one honor violation, but the Superintendent referred that and a second allegation to the Board of Officers. The court held that the Military Academy was not bound by the Cadet Honor procedures or findings. Similarly, in another case, which is pending decision at the Secretarial level, the Cadet Honor Board found no honor violation by an 11 to 1 vote, the 11 voting against the cadet. As previously stated, a unanimous vote is required. Despite the one vote in the cadet's favor, his case was also referred to a Board of Officers which determined he had committed a violation of the Honor Code. The court in *Gaines* observed that "while there can be no doubt that the Cadet Honor Committee has become an integral part of the separation process (ANDREWS, 509 F. 2d at 505–06), there is nothing to indicate that the Academy has ceded any ultimate authority to the Honor Committee."

If a case is to be referred to a Board of Officers, the cadet is personally advised by the Commandant of Cadets or the Deputy Commandant of Cadets of his rights under the provisions of Article 31, UCMJ; of his right to legal counsel; and of the nature of the offense of which he is charged. He is also advised that he may resign or appear before a Board of Officers. The cadet is permitted to consult with legal counsel before making his decision. If the cadet elects to appear before a Board of Officers, the Commandant of Cadets forwards the case to the Superintendent recommending he take appropriate action. The report of the Cadet Honor Board and the Commandant's letter are reviewed by the Staff Judge Advocate, United States Military Academy, to ascertain whether there is probable cause for referral to a Board of Officers. The Staff Judge Advocate may interview other witnesses or make other inquiries as he deems necessary.

If the Staff Judge Advocate concludes there is sufficient evidence of an honor violation, he forwards to the Superintendent the Commandant's letter, the Cadet Honor Board report, and a proposed letter of instructions to the Board of Officers, together with his recommendation that the Superintendent convene a Board of Officers, pursuant to Army Regulation 15–6, 12 August 1966, as changed, to investigate the matter. If the Superintendent appoints a Board of Officers, the respondent and his counsel are notified in writing of the specific offense alleged, the time and place of the hearing, and the witnesses that the Government anticipates calling. He is also advised that he may request witnesses on his behalf, and the Government, on timely notice and showing of relevance, will provide those witnesses. The defense is usually given two weeks to prepare its case and may request additional time if needed. Spectators may attend; they are limited, however, to other cadets, officers, and the family of the accused cadet. The Board normally consists of five officer members, a nonvoting legal advisor, a recorder who is also a military lawyer, and the legal counsel for the respondent cadet. Appointed defense counsel is a military lawyer; however, the cadet may retain civilian counsel at his own expense. In order to find a violation of the Cadet Honor Code, the Board of Officers, by majority vote, must find that the allegation is supported by substantial evidence. It should be noted the hearing before the Board of Officers is a separate (i.e., *de novo*) proceeding and does not rely upon the hearing before the Cadet Honor Board in reaching its decision. When the Board of Officers does not find a violation of the Honor Code, the case is traditionally accepted as final. When the Board of Officers finds an honor violation, the administrative review process begins. A complete verbatim record is reviewed by the Staff Judge Advocate.

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A copy of the transcript is provided to respondent's counsel. Counsel is given the opportunity to examine the record and to prepare a statement of error and any other matters he deems appropriate for consideration by the Superintendent and the Army Staff. At the same time, the Staff Judge Advocate reviews the record for legal sufficiency. Thereafter, the Superintendent personally examines the record, together with the review of the Staff Judge Advocate, and any matters submitted by counsel for the respondent. If the Superintendent independently determines that there is no violation, he disapproves the findings of the Board of Officers and the matter is terminated. If he agrees with the findings of the Board of Officers, he notifies the respondent of his tentative action and proposed recommendation to Headquarters, Department of the Army. Thereafter, counsel for respondent is given an appropriate amount of time to present additional matters for consideration by the Superintendent prior to his forwarding the case for final action at the Department of the Army. When the Superintendent receives the case back from the accused cadet, he reviews it once again. If he continues to believe that the cadet violated the honor code, he forwards the case to the Commander, U.S. Army Military Personnel Center, Alexandria, Virginia with a recommendation that the cadet be separated from the Military Academy.

The Military Personnel Center then sends the case to the Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, for staff review and coordination within that headquarters and for final determination on whether or not the cadet should be separated.

Within the Office of the Deputy Chief of Staff for Personnel the case is initially reviewed by staff officers. Then it is sent to the Office of The Judge Advocate General of the Army for complete legal review. The case may be reviewed by other Department of the Army staff agencies if it appears that their views are necessary in the decision-making process.

Within the Office of The Judge Advocate General, the case is analyzed to insure that there is substantial evidence to support the findings and that all of the required procedural due process rights have been afforded the cadet. This determination is based on an analysis of the facts; the legal brief of the defense counsel; the legal brief of the Staff Judge Advocate of the Military Academy; and the requirements of case law.

The Office of The Judge Advocate General then returns the case with its opinion on the legal sufficiency of the case to the Office of the Deputy Chief of Staff for Personnel. Normally, the Deputy Chief of Staff for Personnel (a lieutenant general) the Assistant Deputy Chief of Staff for Personnel (a major general) then reads and studies the entire case. Frequently both of these officials read and study the case.

If there are no unusual or controversial aspects and if the Deputy Chief of Staff for Personnel believes the cadet should be separated, the case is returned to the Military Personnel Center where action is taken to separate the cadet.

If the case has unusual or controversial aspects, it is sent to the Secretary of the Army for information and approval of the planned action, or a specific recommendation on the case is made to the Secretary of the Army for his decision. An unusual or controversial case is sent first through the Office of the Chief of Staff, U.S. Army, for review and action by that office before it gets to the Secretary of the Army.

When final Department of the Army clearance for separation is granted, the case is returned to the U.S. Army Military Personnel Center for implementation. In accordance with DOD Directive (1332.23), cadets who are in their last two years at the Military Academy and are separated for violation of the Honor Code "Will normally be transferred to the Reserve Component and ordered to active duty for not less than 2 years." In practice, cadets in their third year are called to active duty for two years and cadets in their fourth year are called for three years.

With respect to the legal review of honor code proceedings, the two chief cases prescribing the due process requirements for administrative separation from the United States Military Academy are *Andrews* v. *Knowlton*, 509 F.2d 898 (2d Cir. 1975), and *Hagopian* v. *Knowlton*, 470 F.2d 201 (2 Cir. 1972).

Although *Hagopian* involved a separation for excess demerits, the due process requirements established therein have been held equally applicable to separation for violations of the honor code (*Andrews, supra; Gaines* v. *Hoffmann, supra; Birdwell* v. *Schlesinger*, 403 F.Supp. 710 (D.C. Col., 1975) (Air Force Academy honor code)). Although stating that the proceedings may be informal, the *Hagopian* court held that in order for a cadet to receive a fair hearing, he must at least be (1) apprised of the specific allegations against him, (2) given adequate time to prepare a defense, (3) permitted to appear personally and present his case before the Board of Officers, and (4) afforded the opportunity to present witnesses in his own behalf. The court noted that a cadet need not be accorded the right to representation by counsel at the board proceedings; however, it rejected the view that a cadet was not entitled to seek legal advice or retain counsel to assist him in preparing his defense at the hearings.

In *Andrews, supra*, the court found that the requirements set down in *Hagopian* had been satisfied by a Board of Officers proceeding conducted under the provisions of Army Regulation 15-6 and the USMA Regulations. In holding that the constitutional requirements had been satisfied by such a hearing, it specifically rejected the appellant's claim that similar protections must also be provided

at the Cadet Honor Board hearing. Noting that the Cadet Honor procedures were not binding on the Academy, and that the Honor Board acted merely as a charging body, the court held that because the Board of Officers conducted a *de novo* hearing in which the cadets were afforded all of the aforementioned due process rights, the presence or lack of such rights at the noncritical stage of the Cadet Honor Board proceedings was of no consequence.

Senator Nunn. Thank you very much.

Does Superintendent Berry or the commandant have an opening statement?

Secretary Hoffmann. This statement, Mr. Chairman, represents our composite views on the situation. We would all be happy to respond to questions.

Senator Nunn. I am going to ask counsel to notify me when 10 minutes expires. We will have a 10-minute rule on questioning so that all members will be able to participate on an equitable basis.

Mr. Secretary, I will allow you to field any of these questions you would like, or if you would rather refer any of them directly to the superintendent or the commandant, that would also be permissible. I will have certain questions for them individually as well as for you.

The question of sanctions has been discussed a great deal. I think in your opening statement you went into the toleration clause and your reason for thinking that that was not only essential but also precedented in other areas of life other than just in the military. On the sanctions clause, what is the rationale for having only one very extreme sanction for any and all, even the most trivial violations of the honor code?

Secretary Hoffmann. The underlying rationale, as it has been embodied in the code and the system over the years, has been and is to place in utmost importance compliance with the code and with the system. And it has been felt throughout the years, and still to this day, that such a sanction, while it appears severe, is nevertheless an appropriate sanction. There have been over the years discussions and recommendations at West Point as well as the other academies with respect to some mitigation of the extreme remedy which presently obtains at West Point. This usually takes the form of what is called discretion; for instance—and the Air Force Academy should speak for their own system—but there is a discretion accorded under certain controlled circumstances in some honor systems to mitigate the severe effects of dismissal as the only remedy.

This has been examined at West Point. As a practical matter, it was raised in the study of the honor system that was undertaken in 1974 and 1975. And as a result of that study, and the discussion ingendered by the study, the question was submitted to the corps at West Point for their feeling. They had, prior to reference, decided that a two-thirds vote by the corps should be required to make a change of that sort. The vote was, I believe, 54.6 percent in favor of having a provision for discretion. Now, here again, it is possible that subsequently this issue may return and may be voted on by the corps. I think this represents an expression of their feeling. The matter is under consideration. But I would underscore that this sanction has not been without considerable thought over the years. It represents, I believe, a consensus as to how the system should operate.

Senator Nunn. I think there has to be a relationship between the toleration clause and the sanction section. My basic question really is whether, by having no flexibility in sanctions, you weaken the effectiveness of the toleration clause. That is to say, you weaken the reality of cadets turning each other in for what they think are trivial violations.

Secretary **HOFFMANN**. Obviously there is a reasonable position to that effect. I think the relationship you have cited is an appropriate one. The matter, as I say, is under review. I think it is probable that there will be some lessons to be learned in the instant situation as it unfolds, and after it is concluded, perhaps there will be a new perspective on this. It may well provide additional background to the corps, so that they may have an opportunity to consider it.

Senator **NUNN**. Superintendent Berry, let me ask you a question on that point. You were recently quoted in a newspaper article as saying "if the cadets would vote for sanctions less than separation in certain circumscribed cases, I would welcome that." That is a quote from the Baltimore Sun, an article by Mr. Charles Corderay. This sentiment also appeared to be shared, as the Secretary alluded to a moment ago, by the so-called Buckley study on the honor commission which was commissioned in 1974. What is the status of these Buckley recommendations in this regard, and what is your present opinion on so-called flexible sanctions under certain circumscribed cases?

General **BERRY**. Senator Nunn, the Buckley study to which you refer, if I may, I would prefer to call it by its title "The Special Study on Honor," which was conducted by a joint group of cadets and officers. In fact, 17 cadets and 11 officers were members of the study group which for almost 9 months studied the entire honor code and the honor system. It was a thoughtful, searching study that developed among other things the best recorded history that we have of West Point's honor code and of its dynamic honor system.

The study group went to other academies, to the Air Force Academy and to the Naval Academy, and spent several days there studying their honor systems and codes. Members of the cadet honor committee and also members of this study group went to the University of Virginia in April 1975, and there attended a conference held by some almost 30 colleges and universities, including the service academies. And there the discussion was honor codes and systems within not just the service academies, but within the civilian colleges and universities of our country.

As a result of all of these studies, and being given guidance by me to ask all of the questions that should be asked and explored all of the avenues that should be explored, with a view toward strengthening and improving the honor code and the honor system, the special study group at West Point developed a series of recommendations which were just that. They were recommendations for further study submitted by a special study group. And they have been and are being either imlemented or studied since the report was given to me on the 23d of May 1975.

Now, if I may talk about the means of study and implementation, the major body during the academic year in particular, when the entire corps of cadets is present at West Point—many are absent during the summer for military training around the world—but during the academic year it is the cadet honor committee elected representatives of the corps of cadets, who are the principal body, the correct body for further studying of the honor code and honor system as it is reflected in the daily lives of the corps of cadets. Many of the recommendations of that study already have been incorporated into the honor system by the cadets. For example, the chairman of the honor committee, a hard working young man with heavy responsibilities, 2 years ago handled these duties alone. As a result of the recommendations of the honor group, there have been elected within the honor committee, vice chairmen, one for education, and another for investigations, to assist the chairman. The procedures, the due process procedures, governing the work of the honor committee, have, in conjunction with military lawyers, been strengthened and made to reflect, even to a greater degree than before, due process for the corps of cadets.

An education system has been developed which far exceeds that of past recent years. This will be implemented, is being implemented beginning this summer with the entry of the class of 1980 on the 7th of July.

Now, getting down to the question of some sanction other than the single present sanction of separation from the corps of cadets for violation of the honor code, the honor study recommended that that be looked at in a receptive way by the Military Academy and by the corps of cadets, which is what led to what the Secretary described, the convening of each of the four classes separately, and the presentation of a pro and a con paper written and read by the chairman and the vice chairmen of the honor committee, and in an objective, dispassionate way outlining the case for the single sanction of separation for violation of the honor code to be continued, or the case in support of controlled circumstances, and specifically, where there may be great stress or pressure upon the individual cadet, a new cadet, not yet fully steeped in the traditions of the values of the honor code, and where the case was self-reported. In those narrowly circumscribed conditions the case was presented for voting by a two-thirds vote on something less than separation.

The most remarkable thing in my opinion about that vote last February was this.

Senator **Nunn**. Was that February 1976?

General **Berry**. February 1976, Senator Nunn.

Senator **Nunn**. I want to finish this question. My time is up, so would you go ahead and finish and come to a conclusion on it?

General **Berry**. All right.

The remarkable thing in my opinion is that those tradition loving cadets, by secret written ballot, did what was rather radical when more than half of them voted for what to those young men appeared to be a radical step. I think the honor committee wisely had established the two-thirds vote as essential for what is a big change in their honor code.

Now, my view is, knowing that like all other bodies of human beings, the honor committee learns by past experience. I would not be surprised were the honor committee to bring this issue back before the corps of cadets when they reconvene at the beginning of their academic year in September. Would I welcome this? Yes; I would.

Back to your comment. I think that some sanction for certain conditions less than separation would make the nontoleration clause more workable. And I do agree with the Secretary that the nontoleration clause is an essential part of the code. Yes; I would welcome that indeed.

Senator **Nunn**. Thank you very much, Superintendent.

Senator **Bartlett**. Thank you, Mr. Chairman.

Mr. Secretary, does the fact that there are currently 171 cadets implicated in honor violations indicate to you that there could be a lack of realism in the system as you describe it here in your statement?

Secretary **Hoffmann**. I have been hesitant to draw inferences prior to further process that would assess what the implications of a finding in a large number of those cases would be. As you know, I am the final reviewing authority for such cases. And I would only attempt to answer your question somewhat generally.

Senator **Bartlett**. Mr. Secretary, let me assure you that the question does not in any way reflect on the cases that are pending. I assume that those cases would be judged in the current conditions, the regulations, the agreements, the understandings, and all that goes into the present honor system. But I assume that one of the purposes of our having this hearing is to discuss the realism of the system—you used that term—in how the honor code is put into effect.

Secretary **Hoffmann**. I would comment generally that realism, of course, is derived from an assessment of the practicality and implementation of the code and system in a current set of circumstances, in other words, to the situation at West Point, the situation in the Army, and the society at large, as it occurred at given points in time.

The sorts of stresses that the society at large has been under for the last decade are, I think, known to us all. Certainly the Army is not insulated from those. It is a participant in some of them. And certainly West Point is not insulated from those. The sort of young men that we are seeking, the leader in his community, the interested, aware young man from the society, will not be insulated from those prior to coming to West Point.

One should make a distinction between causality on the one hand for a series of rather specific events and an area of contributing factors on the other hand which may have led to an increased atmosphere which would allow or appear to mitigate against the strength of the system, and therefore arguably either dim the choice facing an individual or support a condition in which his own inclinations were not as strong as they should be.

Past studies, some of which I have reviewed, that have been made in the academies and other institutions following incidents of this kind deal with some of those factors. They have to do with the perceived extent to which the corps feels that the system is truly their system, and that they have greater rather than lesser control of it. To be successful, it cannot be a system inflicted upon them from the outside; rather it must be a system of which they are seized, if you will, by their own consent. Turbulence and instability in the institution, for whatever reason, are often cited as contributory causes. These conditions militate against the perceived strength of the institution, and the validity of those values to which it adheres, and which it promulgates.

The realism, perhaps, is most commonly associated with the extent to which an individual believes that what is being required of him under the code is applicable after he has gone on to the Army in this case. There have been incidents from which might not appear that the values that we are seeking to inculcate at West Point are as honored or as adhered to in the degree in the Army that a cadet feels they should be, that the administration of the Army feels they should be, or that can be.

So that I think all of these sorts of things provide a background. I am not sure any of them go to direct cause. I think the direct causes will be adduced in the course of the proceedings that are now ongoing at West Point. The opportunity to raise those causes that are included within the overall spectrum of applicable fact is inherent in the system, as they apply to the particular situations and the situation in the overall.

Senator **Bartlett**. Mr. Secretary, I am aware that you attended a university which had an honor system. At that university did the students there have the full responsibility of the system?

Secretary **Hoffmann**. It is my recollection that they did, it was my reaction at the time that they did.

Senator **Bartlett**. It seems to me that in my younger years that there was a code, if that is the word for it, but at least a condition of conduct among young people that you shouldn't tell on your friends. The system at Princeton University required, did it not, since the students were the final responsibility, and since the examinations as I recall took place in a room with only students there during most of the examination, that the individual student report violations; is that correct?

Secretary **Hoffmann**. That is my recollection, yes, sir.

If I might point out, I remember being struck at the time with the wording of instructions for those exams. On the schedule it said, "the examination will be handed out" in room so and so. And it was a feature of the system at that time in Princeton that a student was free to take his exam, he could go to the library, he could go to his room and take that examination. That was the system at that time.

Now, I will take this opportunity if I might to make a distinction that I think needs to be borne in mind. West Point is not either in its objectives, or in its legal makeup a university as Princeton is a university. You will see from the process here and from the court decisions that there runs in parallel to the honor process processes conducted by officers in the U.S. Army under Army regulations which are designed to assure a degree of due process to proceedings before a final action is taken on them. So that the code at Princeton, certainly from an experience point of view, is relevant to this. The code at the University of Virginia Law School which I attended is relevant to this.

The honor code at the Officer Candidate School which I attended is also relevant. And that code exists today in the Officer Candidate School, and is identical to the code at West Point.

Senator **Bartlett**. Would the code at West Point have any chance of working if the cadets were not required to report violations, in your opinion?

Secretary **Hoffmann**. In my opinion the nontoleration portion which engenders the response which I have outlined in my statement of a duty to the society or to the institution which is above friendship, I think is essential. I am not sure that a code would work effectively without that feature.

Senator BARTLETT. If it didn't have that feature, would there not have to be a proctorial system active in all examinations in order to check compliance if the unwritten code was that there would not be any reporting process?

Secretary HOFFMANN. It would in my judgment tend to have that effect. It would, I think, mitigate against the unity of those under the code and their acceptance of it, and their perception of what the duty is. Again, in the Army ours is not alone an individual requirement for integrity. It is a requirement for collective integrity as well.

One cannot imagine a code being made coextensive in its direct application to all the situations having moral value attached to them that will arise in the life of the cadet. There are some situations in making judgments which have a neutral base in which a collective input is required when you get down into gradations of good and bad, or what is the best for the institution. I think the question of toleration, and the self-reporting, self-policing aspects, provides a unity to the system and in independence to the system, a placing of that system in the hands of the corps in this case that could not be achieved in another way. How you would compensate for its removal I wouldn't know. But I think you would perforce be put on more sensitive notice. There would be a greater requirement on those who administer the Academy, through a proctorial system, perhaps, in order to assure that the code was effective.

Senator BARTLETT. Mr. Secretary, one final question for this round. It seems to me that the officers in their giving of examinations, the type of examination that an officer might give, could effect the possibility of a violation or the ease with which a violation might be made, giving out an examination for a period of time rather than the normal time of 2 or 3 hours for most examinations. Would this be a consideration that in your mind should be reviewed from a point of view of a realistic system to achieve the honor code?

Secretary HOFFMANN. Yes, sir. That is an element—again as I indicated before, an honor system is designed to engender a depth and a reflection in an individual in his character. An honor system must be clear in what it covers. It must not present undue temptation, but on the other hand, it cannot insulate and should not insulate from temptation.

Now, there are various gradations of instructions for work in and out of the classroom. These again go to the reach of the system, go to the circumstances in which the tests are being given.

General Berry might want to comment with more particularity on recent considerations given to this at the Academy and how it operates in the academic life if that would be helpful. But in general I think, that is one of the circumstances, together with coverage that would have an impact on the realism and the strength of the code.

Senator BARTLETT. My time is up.

Senator NUNN. Superintendent Berry, do you want to comment?

General BERRY. May I?

Senator NUNN. Yes.

General BERRY. Let me tie two things together, if I may, Senator Bartlett.

First, the realism of the nontoleration, and then I will go from there to the type of examination or home study projects that our faculty gives.

The three of you gentlemen all have had military service. And I think that you know from your own personal experience that officers of the armed forces must develop within themselves a value system and standards that they can be trusted to implement whenever the proctor is not standing over their shoulder. What I am saying is, the battlefield is more like a take-home examination than it is an examination given with a proctor standing over your shoulder to see how it is being done.

Going now to the question of academic procedures, pedagogy. You raise a valid question, and it is one that the U.S. Military Academy recurrently asks itself. Are our academic testing and instructional procedures sound according to the pedogogical principles, or are they in harmony with the society from which the young people come and the environment of the Military Academy?

I think that generally speaking there certainly are valid reasons for work being done without supervision, and take home projects. A leading example would be themes and research papers. But in the scientific field, home study projects such as the electrical engineering 304, home study projects—my lawyer is warning me now that we have some cases here. So let me say that about 6 weeks ago I appointed a committee of senior professors of our academic board and heads of departments to study, as we have done previously, academic procedure within the total environment of West Point, and recommend to me if there should be any modifications made. They are to report to me by the 15th of July. All of this is of course against the background of academic freedom, and the need for the individual instructor to conduct his classes and teach as he sees fit.

Senator BARTLETT. Thank you, General.

Senator NUNN. Excuse me. Senator Culver's toleration has reached the end, and now it is his time.

Senator CULVER. I was just suggesting to the chairman, that one thing they don't teach at West Point is brevity.

Senator NUNN. I might add that they don't teach that in the U.S. Senate either.

Senator CULVER. I will agree with that. And, as freshman Member of the Senate, I have a unique opportunity to observe that.

Mr. Secretary, I am concerned with what the apparent pervasiveness of this particular incident suggests in terms of the overall effectiveness of the honor code at West Point. Here you have what appears to be a relatively innocuous quiz, an examination worth about five percent of the final grade in that course, and probably no one would likely have their final grade altered by the outcome of that particular examination. Yet the investigation to date indicates that 173, I think you said, cadets were involved in alleged cheating on this particular quiz. These are third year people, juniors. If you have 173 involved there, it also seems to suggest on the face of it that people were rather cavalier about risking cheating, if the honor code was truly effective, under these circumstances for such questionable gain. This wasn't a question of graduating or not, it wasn't a question of passing a course or not, it was a quiz, and a quiz that wasn't all that important.

As I understand it, it has been suggested that one of the reasons that many people were involved is not because of the fact that widespread cheating was discovered in this particular instance, but because of the method by which you went after the facts involved here. There was a more diligent inquiry to determine if people were in fact cheating. Now, as I understand it, cadets attend classes in small sections, each containing some 12 to 15 students; the class is divided into about 60 sections, so that you have some 15 instructors or so who will probably teach some 4 sections. Are you looking into the fact that traditionally this affords an opportunity to cheat on exams without fear of being caught, if you are not cheating with somebody who hapens to be in one of the four or five sections that a particular instructor would teach, and whether or not in this instance the difference is that we have seen a situation where there has been an effort to cross-check the sctions, and that widespread cheating was only uncovered, because of the diligence of the inquiry? What I am really getting at here is, it is hardly likely that third year students, 173 of them are going to cheat on an innocuous exam for the first time in their life at West Point, if they weren't reasonably confident that there wasn't much chance of getting caught. I understand that about a third of those examination papers even have cases where there are repeated misspellings, absolutely copied verbatim and handed in. These are bright people. Now, how do you explain that? How do you feel about how pervasive this whole problem is likely to be, and how repeatedly the honor code is apparently violated if this is at all indicative of the general practice?

Secretary **Hoffmann**. Taking note of the fact that those cases are not resolved, but just on an assumption that there are a large number of cases addressed to this particular test that you refer to, I think one could infer, as your question suggests, that this would be evidence of a more widespread conditions than simply this test.

As this situation has unfolded, there was an initial thorough review, and then a subsequent reanalysis which developed more cases attached to this incident. And perhaps I should let General Berry comment, since he is closer to the situation than I am, on his feeling as to the extent of additions relating to this.

I think the inference might well be drawn. On the other hand, it depends on a general feel for what the average cadet group as a whole thinks about the system, and how they regard cheating, and how they regard the honor code, and these sorts of things. I am actively keeping an open mind on that subject, but I would hope that the processes by which these cases are adduced, and the processes as it goes on, and as individual cadets are reviewed and the collective situation develops, that we would get some indication of that.

Senator **Culver**. You will agree, though, it is hard to imagine how a cadet who had never cheated in 3 years at West Point would suddenly cheat on a quiz which would not likely have any effect whatsoever on his final grading in the course, and you get 173 of them doing it. I wouldn't want to generalize, but I think it is a perfectly reasonable assumption that others may have cheated before.

Now, one of the things that I think is important here is that we spend $100,000 of the taxpayers money to educate an Academy graduate. The reason for this, of course, is that we want to assure his Nation of an officer corps of honor and integrity, and certainly I am more than satisfied that the academies have fostered those qualities over the years, and have served this Nation well. But with graduates costing $100,000, compared to only about $10,000 to $20,000 for officers in OCS programs, and less than that in the ROTC programs that I and some of the rest of us went through in the Marine Corps and other services, it seems to me—I hope you are reviewing a very fundamental question as to whether we are getting our money's worth, and what system you have to monitor these questions of integrity and honor in the field. We have the My Lai coverup, the secret bombing and war in Cambodia, we have falsification of body counts and pacification, and so on. Do you have a process whereby you can evalute and calibrate and assess the $100,000 cost against the $10,000 or $20,000 in terms of honor, integrity and what is the Navy's performance record like, with its more relaxed system and what is the Air Force's record, and what is West Point's vis-a-vis somebody else's. I realize how difficult it is. But it isn't simply because the old school tie put people in the top job.

Is there a way, on fitness reports and other ways, to try to examine this issue and see whether on a cost-effective basis there is anything that is unique and special to justify this kind of investment? I am one of those who believe that you learn a lot of those things or you never learn them by the time you are 14, in terms of home and church and schools, or whether Dad has got a leather belt or not, whatever the case may be. You have the honor code beat into you before West Point gets hold of you or even the boot camp in Quantico gets hold of you. If that presumption is fairly accurate, molded character in my judgment has got to start fairly early.

I hope you are going to be looking at that. Do you have anything on field performance in terms of honor and how much it is worth, other than the pride we all take in the honor and tradition of the academies ourselves?

Secretary HOFFMANN. I am not sure that we have a particular study that has taken a series of graduates and looks at that particular input. The West Point input operates in the corps of officers in several ways. Recently, Gen. Melvin Zais, himself an ROTC graduate, likened the infusion of West Point graduates into the Army as a drop of ink into a glass of water. It has the effect of coloring and conditioning the whole glass. And I certainly felt that was true in my own experience, that the OCS graduate, the West Point graduate and the ROTC graduate each brought a slightly different background to the job which fused fairly easily.

Part of the result in cost-effectiveness that you are reaching for is in the individual career. We could get those figures. There have been figures done on how long they stay in the Army percentagewise, so that we get a return on that investment, so that it is at once a particular return as well as a generalized return.

I would be happy to look into what particular studies have been made and discuss with you the possibility of doing other work in this area. And I think we should be alert to that.

Now, if I may impose on your time for a second, what you have said underscores the imperative to us of making sure that the system and the code as it is infused into the Academy is worthwhile, does return value, and is made workable. At the same time I think one could argue, based on admission desires as opposed to admissions that are made, that we have a right and the taxpayer has a right to expect of a young man that goes there a strict adherence to rules with which he is familiar prior to going there, and to information on a system which he has access to upon being appointed when he gets there and as he goes into it. And again, I stress the need for practicality, but we certainly share your concern that there has got to be effective implementation. I have high confidence that that return on the investment is there.

Senator NUNN. Mr. Secretary, either you or Superintendent Berry mentioned something that I think is important. You said that one of the important things was whether the cadet views the honor code as realistic, and that had to do with the perception of what followed after he graduated and went into the Army. That leads to the question I have; does the Army itself have any kind of honor code? What happens to an Army officer who lies, cheats or steals?

Secretary HOFFMANN. It is fundamental that an officer's word is his bond. There is a strict code, understood as well as written, with respect to honesty, integrity, and these in my judgment have always been—it has been the constant attempt to imbue them with increasing vitality into the corps of officers. Again, as we point out in the statement, duty, honor, country, is not limited to West Point. It is an ideal of the Army at large.

Now, I am mindful of some of the examples that Senator Culver has mentioned, some of the examples from past history. I am also mindful of situations that we see daily and that occur daily in which the reverse is true, in which that difficult decision is made, in which you see an officer responding with integrity in a difficult situation. I think these are the rule in the Army as I have seen it since becoming Secretary.

Now, this does not mean that one relaxes and assumes it will happen. It is part of the stuff of leadership, not only an ingredient of leadership, but an objective of leadership to induce it in depth and pervasiveness in not only the corps of officers but in the Army in general, since all hold public trust.

But the question is, for instance, in the basic course for officers which follows OCS, which follows West Point, which follows ROTC, does that have an honor system? The answer is, it does not have an explicit honor system, because an officer's word is his bond. Those sorts of transgressions would be punishable by removal from the school or removal from the officer corps if detected.

Senator NUNN. In the Regular Army, if an officer observed another officer on some minor matter, not a great importance to national security, either cheating or lying, is it his duty to turn in his fellow officer?

Secretary HOFFMANN. I would think again one gets into gradations of impact of these situations. I would think there would be a duty to address the situation at least with that officer. Now, that is at one end of the scale. There are some insignificant things again or minor matters that would be regarded as personal. Now, when you go to the other end of the scale and you look at such matters——

Senator NUNN. You are saying that there is a difference between personal and duty?

Secretary HOFFMANN. No; I am saying as a practical matter of self-policing—and this is the point I made with respect to an honor system at West Point—we attempt, when you have a specific honor system, to try to make sure that its parameters are well understood. The code obtains and the pressure obtains. How practically that is dealt with, for instance, by a cadet at West Point in a nonhonor-code situation, how he feels he should address it, is another thing. My point is, there are gradations in the official life of the Army and it commands the full spectrum of possibility. I was going to pose to you a situation at the other end of the scale where a readiness report or a true condition or some fact is submitted to higher headquarters on which decisions are going to be made of a tactical or strategic nature, the undermining of which by falsehood or distortion would be a danger to the command, those sorts of things. In between there lies a whole spectrum. I certainly think that with respect to matters having to do with command, and with operations and with the business of the Army, that that pressure is there, not just stand by in the presence of these sorts of things, but to take some form of action more or less formal as the circumstances would warrant.

Senator Nunn. Let me ask the commandant one question along that line. Let's suppose, hypothetically, that a cadet observes another cadet lying to his girlfriend, and he knows that it is a lie. It has nothing to do with his academic performance, and it has nothing to do with his Army duties or his cadet duties. What is the duty of a cadet who observes another cadet lying to his girlfriend? I assume that happens occasionally?

General Ulmer. I have heard several cadets tell their girlfriends that they were the most beautiful women in the world. And I am not sure that that was true at the time.

I think that, sir, is something that falls in the same category as when the hostess asks a cadet if he enjoyed his meal, and he says, ma'am, it was great, and actually he never has liked liver. Those situations I don't think upset cadets, I think they handle them properly and rightly, and I don't think they come under the responsibility of maintaining the honor code.

Senator Nunn. I am not saying a frivolous lie, I am saying an intentionally misleading lie that was told to a person outside the cadet corps or outside the Army would not be a violation of the honor code?

General Ulmer. It would certainly not be outside of the honor code. Regardless of who the cadet is dealing with, the other cadet does have the responsibility of maintaining standards of honor, yes, sir.

Senator Nunn. But I believe the Secretary, in discussing the Regular Army, would distinguish between something that was outside the Regular Army duties and had an effect on the chain of command or on the official action in the Army, and something that was totally personal, is that correct? I understood that was a distinction in the Army, but I understand now that that is not a distinction of the corps?

Secretary Hoffmann. Again, I am talking more about frivolous, in the area of frivolous and not frivolous, and also referring to an area where the guidelines are not definite as they are in the code of honor relating to West Point.

Senator Nunn. I am sure these are difficult questions, and I know they are hard for you to answer. I am not trying to be cute or funny or frivolous on this, but let's say an Army officer observes another Army officer lying to his wife about his relationship with a third party, another woman. Let's take that example, he has put forward. Let's take that same example with a cadet, where a cadet observes another cadet lying to a girl about a certain matter, certainly serious to her, about his relationship with another girl. Those are two things along the same lines. Should they be treated alike?

I will ask the commandant first to answer that question of a cadet lying to his girlfriend on a matter that is serious to their future and their relationship.

General **Ulmer**. I will be glad to attempt to answer the entire thing.

Senator **Nunn**. These are the real day-to-day problems that I think you have to be able to deal with somehow when you are talking about honor.

General **Ulmer**. Sir, the honor code at West Point is remarkably rigorous, it is an idealistic code. And in its implementation we expect extraordinarily high performance. I don't think that these extraordinarily high standards or expectations are universal within the Army officer corps. Perhaps they should be, but I am not certain that each public servant, each member of the Army, feels an obligation to expose social misbehavior or whatever when it is not directly attendant to the military tasks at hand.

Senator **Nunn**. But you think it is at West Point? In other words, my example would be a violation of the honor code at West Point?

General **Ulmer**. It certainly would, sir.

Senator **Nunn**. And a cadet who would not turn that other cadet in would have violated the toleration clause himself if we are talking about something that is not frivolous?

General **Ulmer**. He certainly would. The honor code is all pervasive and does not stop at West Point.

Senator **Culver**. Would the chairman yield at that point?

Senator **Nunn**. I yield.

Seantor **Culver**. I think the chairman is getting at what is so basic here. How do we define those terms? What does honor mean, and what is a triviality, and what is not a triviality. If we don't have some clarification and precision in this matter, how can a cadet assume the risk? For example, what do the terms lie, cheat, and steal mean to a cadet. Is it cheating, for example, to ask a roommate how to spell a word? Is that cheating?

General **Ulmer**. Under certain circumstances it could be.

Senator **Culver**. So if there were three students studying in a room and one of them is working on an English theme and he turns to another and says, how would you spell—whatever the word—and he gets that answer from one cadet, if the third cadet overheard that and he didn't turn it in he would be in violation of the honor code?

General **Ulmer**. Absolutely, positively, and for most of the last 150 years that I know of, if that man is signing the statement that he has done the entire thing, and he has been already indoctrinated and educated regarding the rules of specific behavior, then that becomes an honor offense. And the reason why the system is rather thorough, and we have such an extensive program of education and indoctrination, is that the primary function of the honor committee, sir, is primarily education, is to make certain that the rules of the game are clear.

Senator **Culver**. If those facts were sustained up the chain of appeal that would result in automatic expulsion? There would be no lesser remedy available to deal in mitigation with the seriousness of the offense in the violation of the honor code?

General Ulmer. Yes. If 12 of his peers voted 12 to 0 that in fact——

Senator Culver. They just found those facts that we have stated to be true?

General Ulmer. The question, sir, is whether or not he intended to deceive if he asked the question. You can't have an accidental honor violation.

Senator Culver. He intended to find out how to spell the word?

General Ulmer. If then when the cadets go through this, sir, in their investigative procedures, and they knew that what he was doing was taking advantage of the system——

Senator Culver. I was interested in what the superintendent said about viewing favorably greater flexibility in response to the chairman's question on this expulsion issue, and having some medley and mix of remedies available to you based on mitigation and serverity of the crime. I was interested, General Berry, in 1975 in the Cadet StephenVerr case, where you did find it appropriate to overule the finding in the chain of command that this lying incident, alleged lying incident, justified dismissal. You overturned that conviction. It seems to me that that demonstrated the limitations of the honor code, the rigidity, to deal with any degree of sophistication and discrimination on severty of offense, and an appropriateness of remedy. Would you agree with that, General Berry?

General Berry. In the case of Cadet Stephen Verr, the key element in my determination that Mr. Verr had not lied was what I perceived as the absence of intent to deceive. According to the honor code, in the definition of lying there are two elements. First, a misstatement of fact, and second, with intent to deceive.

Pursuing my responsibilities personally to review all of the hearings of the board of officers, as this one that came before me, looking at the conditions that specified the time of the alleged lying, my reading of the record was that intent to deceive was not there. So that was the key element in my setting aside the finding of the board of officers.

Senator Culver. My time is up.

Secretary Hoffmann. Could I make a point in response to Senator Culver's question very quickly?

The question about mitigation as it was framed to the Corps of Cadets and discussed by General Berry this morning was a question of discretion under certain circumstances having to do with the state of mind or conditions of the young man at the time of the offense, and not a question of discretion with respect to the nature of the offense. Now, I believe I am accurate in saying that the Air Force system allows discretion in situations where the cadet is new and arguably is not indoctrinated, that he was under stress at the time of the incident, or that he himself turned himself in, all of which goes to the state of mind.

Senator Culver. What is the authority for the statement, General Berry, that requisite intent is a necessary element of an honor code violation? Is that common law at West Point or what?

General Berry. That is in statements of indoctrination of cadets throughout the years, and written publications.

Senator Culver. There is a refinement of the code itself that states explicitly?

General Berry. Yes.

Senator CULVER. That requisite intent is a necessary element of an honor code violation?

General BERRY. Of lying, yes.

Senator CULVER. I would like to see that for the record, Mr. Chairman.

General BERRY. I will provide that for the record, Senator Culver.

[The information follows:]

> The following is extracted from the pamphlet "The Cadet Honor Code and System" (undated), an indoctrinational pamphlet for the Corps of Cadets, United States Military Academy, at page 6:
>
> "In analyzing a specific act to determine whether or not it was a violation of the Honor Code certain guidelines are used. There are two criteria which an act must meet to be a violation:
>
> "*First, the accused must have or attempted to have lied, cheated or stolen, or tolerated such action on the part of another cadet.*
>
> "In making this determination it is kept in mind that a cadet must live within the spirit as well as within the letter of the Code and System. A cadet's honor, should be so developed that the Honor Code and honorable conduct in every facet of his everyday life are synonymous. His revulsion to lying, cheating, stealing or tolerating such conduct in other cadets should be instinctive.
>
> "*Second, the accused must have had the intent to lie, cheat, steal, or tolerate such action on the part of another cadet.*
>
> "In making this determination, it is not necessary that the accused be thinking about the Honor Code or have the intention to breach this Code to meet this criterion. The simple fact that he intended to lie, cheat, steal or tolerate is sufficient."

Senator NUNN. Senator Bartlett.

Senator BARTLETT. Thank you, Mr. Chairman.

The code is that a cadet will not lie, cheat or steal, or tolerate those who do. Does the cadet prior to entrance at West Point sign a statement in advance of any examination to that effect, and further, does he state unequivocally that he will report any violator or any violation?

General BERRY. No, sir, a cadet at this time does not sign such a statement before coming to the Military Academy.

I would like, if I may, to just quote part of a letter that is sent to each cadet prior to his admission to the Military Academy. And this covers the classes now at the Military Academy. This is a letter that each year is signed by the chairman of the senior or the first class honor committee. And here he explains what the honor code is. It is a simple statement which he cites. He says:

> This code is not a regulation promulgated by the Military Academy authorities, rather it has its origins among the cadets themselves.
>
> It is a good feeling to know you can trust another because you know that he does not lie, cheat or steal. It is an even better feeling to know that you are trusted by others because it is known that you do not lie, cheat or steal.

And then in the final paragraph:

> From the moment you enter the Military Academy in July it will be your responsibility to maintain the Honor Code of the U.S. Corps of Cadets. Living by the Honor Code is the duty of every cadet and officer. This responsibility will begin on your first day at the Military Academy, and will continue to guide you throughout the rest of your life. I urge you to consider carefully the meaning and implications of the Cadet Honor Code prior to your entrance this July.

I believe that the commandant of cadets is about to implement an additional policy here that is similar, for example, to what Davidson College of North Carolina does, in sending a written statement of the honor code and its background to each incoming cadet, and perhaps a statement. What are your plans, General Ulmer?

General ULMER. We are now looking over whether or not there should be a statement prior to arrival that is signed, and so forth, or after our initial indoctrination period, which is some 16 to 20 hours during the first summer, that the cadet might execute some sort of a written statement. But we are exploring this at the present time, sir. The literature that goes to the cadet explains very well the code, although there is no particular circulation.

Senator BARTLETT. Is there an opportunity for a cadet prior to arriving at West Point or during the indoctrination or immediately after it to express whether or not he supports the code in toto?

General ULMER. No, sir. We assume that he does. And I think our reaction would be that if he felt that he could not live under the rules of not lying and cheating or stealing, that he would not want to participate as a cadet.

Senator BARTLETT. Do you have any cadets who do exercise that action?

General ULMER. Sir, we have a large number of cadets who resign each year, but it is a rare case where a cadet indicates that he doesn't feel that he can comply with the honor code and system, and gives that as one of his reasons for resignation.

Senator BARTLETT. Do the officers involve themselves in the indoctrination of cadets about the honor system?

General ULMER. Yes sir, they do.

Senator BARTLETT. What kind of indoctrination is that?

General ULMER. The tactical officers for the last 2 years have started to participate in conferences and discussions regarding the honor code and its application to commissioned service. We have officers also who will give lectures on various aspects of ethics, professional ethics, and so forth. And, of course, the officer members of the chain of command exercise certain advisory functions regarding all of the cadets, and specifically members of the honor committee.

Senator BARTLETT. I recall the honor system at Princeton University, that there were a number of students about to enter who would sign only a statement that they would not receive or give assistance, but very carefully did not sign a statement that they would report somebody who was involved in cheating. It was then the duty of the honor committee at Princeton to contact those individuals who didn't sign a full pledge to have them sign if they desired a pledge that they would report a violation. And if not, they are not accepted by the student honor committee for a matriculation at Princeton, which would prevent that student from entering. On occasions there were students who would not agree to the honor system, and therefore they would not be accepted by the students, even though they had been accepted by the administration. Is this the kind of thing you are thinking about implementing or considering?

General ULMER. Sir, we have never considered a sort of selective choice regarding the honor system and its operations. We are thinking more, at the completion of a certain phase of indoctrination and education, of having them sign a statement indicating that they understand all of the rules of the game, and are fully supportive of and willing to comply with the provisions thereof.

Senator BARTLETT. General, the example of Princeton I gave is not just a matter of the code of an honor system, it was a written indication and pledge of commitment to it. Now, that phase of it is what I was really zeroing in on. I assume from what you said that this is what you were considering implementing at West Point.

General ULMER. Sir, we are considering that sort of thing. But I might add, Senator, that the apparatus and the environment of the Military Academy surely today is so supportive of the primacy of integrity as explained in the honor code and system that it would be difficult for me to believe that a cadet of good heart could remain a cadet and consciously feel that he was not obligated to participate fully in the honor code and system.

Senator BARTLETT. General Ulmer, let me give you my experience at Princeton.

I was one who did not sign the full honor code when I went. I said I wouldn't cheat, nor would I give assistance, but I purposefully did not say that I would report someone, because I didn't feel that I should. This was prior to my having any experience with or indoctrination in an honor system. Later on I became chairman of the honor committee, and it was my task, to make certain that people did fulfill that full pledge. And I think that at least in the time frame in which I was there we were the first class to have every single person sign the full pledge protecting in a sense ourselves as members of the honor committee. It was clearly understood what the full commitment was. I feel that because students and cadets come from an environment which I would guess is still similar to the one in which I was reared, of not reporting violators, that this would be a good matter to consider, so that there would be absolutely no misunderstanding, and in addition to that, it would be an indication on the part of the individual cadet of commitment, rather than what might be a commitment just by being there. In fact, I think it would be good to have an indication of that kind of commitment before matriculation, or perhaps to have the cadets have the opportunity of seeing that there is a commitment.

The Senator from Iowa mentioned the cost involved, and certainly I think anything to show the commitment of an individual and a pledge to an individual cadet would reinforce the system and support it, rather than otherwise.

General ULMER. You may be sure, sir, that we will take a hard look at that.

Senator BARTLETT. I have one other question that continues what the Senators from Iowa and Georgia were discussing. The question is, Is the code for the officer on matters of business of the Army as strict as the code for the cadet on matters of business with the Army, and should it be, if it is not? In other words, if you have Mr. Secretary, an indication of lying or cheating or stealing by an Army officer, would there be just one penalty, and would that be dismissal from the service?

Secretary HOFFMANN. The ideal should certainly be the same. And again, we are dealing with two situations, one at West Point, which does not represent the cross-section experiencewise of the real world, it is necessarily constrained as any academic institution is constrained, but I think the ideal should be the same. I hope it will be the same and I hope it will continue to be increasingly implemented to provide the maximum integrity of the Army.

Now, I don't think—I am not sure that the practice should be coextensive. I am talking now about the system of implementation where, of course, court martial rules apply and you have a far wider spectrum of activity, private and public, which come under it. It is a difficult question, I must confess, to be categorical, because of the different shadings, and Senator Nunn indicated, as to when you report a fellow officer for an offense of this kind as opposed to making that part of your judgmental appreciation of that officer and dealing with him accordingly.

What I was going to suggest to Senator Nunn is that I have it practiced in the field in the situation that you suggested where an individual lies to his wife. The line between privacy on the one hand and what the institution can command properly by way of adherence to principles in matters that ordinarily are considered one's own business is always a difficult one. But in this case, suppose that an officer were aware of that circumstance with respect to another officer, and the commander of both of them says to the first one, I agree with what he has said in this instance, because he is a man of impeccable honor. Now, this raises the question as to whether that second officer, knowing what he knows, should voice something with respect to judgments that would be made that would affect the mission of the organization. Now, again, I think we all have trouble, particularly in something as fundamental and as sophisticated at the same time as application of the ethics and principles to concrete situations. But I don't think it is too much to have the ideal the same, because the ideal is the same.

Not only will we have the benefits in the officer corps and the Army of the integrity on the part of the officers, but we can enhance the overall appreciation and the enhancement to performance of duty that we can have in no other way than by mutual trust. And this, I think, in dynamic circumstances, given the fact that integrity and principle are dynamic states of men—they don't suddenly get there, and are there forever beyond anything they can ever do—these are the sorts of pressures that I hope would continue to be uplifting in the officer corps and in the Army.

Senator BARTLETT. Mr. Secretary, could I have a short answer, because my time is already exceeded. I think you said that you felt that the code should be as strictly enforced for the Army officer as a cadet in matters pertaining to the Army. If you found it was not, would you feel it incumbent upon yourself to take steps to see that it was.

Secretary HOFFMANN. With respect to material matters, yes, sir.

Senator NUNN. Mr. Secretary, let me add one thing here. We are focusing on some very difficult problems. I think we are going to have other questions, and we are going to have another hearing, and a lot of difficult questions. I want to make it clear that I do believe in an honor system. I have been to both types of schools, one where they had an honor system and one where they didn't. I don't want any implication of my difficult questions to lead anyone to the conclusion, you or the generals or anyone else, that I don't believe it can work and must work and should work not only for West Point but our Nation. I think your institution and the other academies can be examples for the entire country. These problems are not confined to the academies, they go much beyond that. I wanted to make that point clear. There are a lot of questions that we have to ask, and I think that you and we alike want to make sure that we have a system that is realistic that can work and not one that is unenforceable and unrealistic.

I just wanted to put my question in that context.

Secretary Hoffmann. I appreciate that. I don't think we can properly evaluate this system without asking a lot of questions. And whether or not we can give answers that satisfy you—these are the sort of concerns that we are talking about: Practical effect and practical rules.

Senator Nunn. Senator Culver.

Senator Culver. Thank you, Mr. Chairman.

General Berry, again back to that *Cadet Verr* case in 1975, in overruling the lower court findings by majority vote by whatever processes and procedures. You suggest to us that, in order to establish lying within the context of the honor code, if it constituted a general violation, subject to all of the penalties of expulsion, you must have two elements to establish it, an intentional telling of an untruth, coupled with a desire to deceive. Is that correct?

General Berry. That is correct, Senator.

Senator Culver. Now, why would that be something that you would uniquely settle upon? In common law when you talk about the elements of a crime, they are pretty basic, and they are pretty well defined, established, and known. Here you found it necessary to point out something that would appear to be, on its face, rather basic and fundamental, and in order to convict you have to establish that the accused is guilty on both counts. Now, is this a case where these lower boards didn't know the law? If so, it would be a rather severe indictment of the carelessness with which they approached their accusations, would it not?

General Berry. It would, if that were the case, Senator.

Are you ready for me to respond?

Senator Culver. I will give you the appropriate opportunity. What I am getting at here is, I want to commend you for the intellectual gymnastics that you evidenced on that occasion and the legal nicety that you were able to draw upon to afford a greater degree of justice based on that fact situation. I think if there is a higher court and a authority over all that you would be commended. The thing I am concerned about is what legal pains or to what tortuous construction you are led by the absence within the honor code of a developed body of common law, whether or not there is in fact a written record of previous decisions, opinions, and precedents concerning past honor code proceedings, so that justice can, in fact, be administered and be a justice of laws and not men. That is essentially what I am posing to you. In brief again, if what you did was really only to draw upon the basic elements of the crime, and find the accused not guilty, are you satisfied that they examined both those elements in these lower proceedings and came to a different conclusion?

General Berry. Yes, Senator.

Senator Culver. Or did they not look at the same law?

General Berry. They looked at the same law.

Senator Culver. And did they draw upon a body of established written records and precedents and opinions in order to know what the elements of that crime were?

General **Berry**. Well, this was an administrative hearing by five officers. The cadet was represented by a military lawyer. There was a military lawyer who represented the Government. And those lawyers or these officers, board members, who are able experienced officers, used exactly the same definition of lie that I did.

Senator **Culver**. Excuse me. Is that based on a common law or the honor code? Do you have a written compilation of past opinions and precedents of honor code proceedings to which you can refer and not just rely upon the fact that you are a very imaginative lawyer?

General **Berry**. We do not, sir.

Senator **Culver**. You don't?

General **Berry**. They were relying upon the same statement of the definition as I. But there is another element——

Senator **Culver**. But you have nothing else but that statement?

General **Berry**. That is correct, sir.

Senator **Culver**. They relied on that statement and they interpreted it differently?

General **Berry**. And I had additional information which they did not have, a second element that I should have combined with the central element of intent.

Remember that I am the appointing authority for that Board of Officers. They are an independent de novo hearing, as you know. They review only what the military lawyers put before them.

Now, as the reviewing authority, as I look at the totality of the case, I look first at the verbatim transcript of these proceedings of the Board of Officers. There are two other essential bits of information that I looked at which were not available to the Board of Officers. One was an investigation which the Commandant of Cadets had caused to be made concerning Cadet Verr's allegations that he had not received enough to eat in the messhall at the time of the incident. The officer who had investigated that found, among other things, Cadet Verr had gained weight. But the important thing was, he went out to the high school coach of the young man, and found that this young man had extraordinary eating habits, he was a distance runner, and the high school coach said that he was taking on about 12,000 calories a day, and that he perceived that he needed that much. So that was an element available to me, not to the court.

And second, there was a psychologist's statement made on the day of the first allegation.

So the absence of intent was certainly—or the presence or absence of intent was in the minds of the Board of Officers, but they did not have that additional information that I had with which to evaluate the absence or presence.

Senator **Culver**. So you don't really have any records available that are normally retained on those honor proceedings?

General **Berry**. No; we do not.

Senator **Culver**. Is there an administrative regulation or law that a board of officers can consult in analyzing code violations?

General **Berry**. The same rules of evidence and administrative procedure that all administrative boards of officers abide by.

Senator **Culver**. But not directly on the honor code issues?

General **Berry**. That is correct, sir.

Senator CULVER. Now, if this cheating should be discovered to be widespread, and more commonplace than even the current number suggests throughout the Academy, what will you do about it? To what extent do you currently plan in any case to institute a more vigorous system to uncover the extent of that cheating? Here we have again a third year class, 173 involved in an innocuous quiz. You have discovered the ramifications of cheating due to the diligence by which you have tried to cross-check in an inordinate way the examinations that have been submitted to the various sections. Do you, for example, plan to go to the second year, the first year, or the senior year, and do a spot check of previous exams by reviewing the various sections? Again, if I am correct in my assumption, we may have a pattern that people are very cavalier here, as long as they know that they are cheating with someone that is not under the same four or five sections administered by the same instructor, and if that instructor doesn't get with another instructor who has a different four or five sections to discover whether there has been any collusion in that regard, there is no way as a matter of pattern and practice that you are likely to be detected. Now, do you plan to go back and institute just a spot check to determine to your own satisfaction—because I think it fundamentally affects the viability and the effectiveness of the honor code—to get a handle on this?

General BERRY. Senator, first let me put those figures in perspective. To date, 11 cadets in this particular incident have been found by boards of officers to have violated the honor code, and one cadet has been exonerated. And, of course, those 11 cases have not yet come through the review process; I have not seen those. So 11 cadets to date, out of more than 4,000 cadets in the U.S. Corps of Cadets, and out of a class of 878, the class of 1977, there were 264 cadets whose papers were examined, scrutinized by either the Honor Committee or the Internal Review Panel. And the 171 figure of those recommended to go before boards of officers, some of those will be exonerated, as the system here, as in Anglo-Saxon law, is that we assume the man innocent until he is proven guilty.

We also assume that cadets are honest. We don't go out seeking for dishonest cadets unless there is precipitate cause to lead us in a responsible way to seek evidence of that, recognizing the privacy and the rights of the institution and of the individual and the institution.

Senator CULVER. In view of the fact that these cases have been largely uncovered because of a particular diligence, not operating in the regular course, that has uncovered the extent of alleged violation, and the practice of copying on exams, and so forth, wouldn't that in itself be sufficient to raise questions in your own mind about the adequacy of your processes to determine that in previous practices?

General BERRY. Senator, I think that on this I must await the outcome of these boards to draw any conclusions beyond that.

Senator CULVER. Mr. Chairman, I think my time is up. But I do have additional questions. Perhaps I could submit them for the record. I was interested in whether they have any statistical evidence available now as to the question of what are the relative grade averages and disciplinary records of those accused of honor violations compared with cadets as a whole in this present group, whether you have that?

General **Berry**. General Ulmer has some figures, if he may respond to that question.

General **Ulmer**. Sir, in general demographic data there is no significant difference between the group of 171 and the rest of the class. In terms of academic standing and leadership standing and conduct standing they are a slightly lower group than the class as a whole.

If I may, sir, I would like to——

Senator **Culver**. Let me just ask this one question and you are free to respond to the rest in terms of time.

With your approximately 40-percent attrition rate, how many cadets are accused of honor violations?

General **Ulmer**. About 3 percent, sir.

Senator **Culver**. Three percent of your 40-percent attrition rate in each class?

General **Ulmer**. Yes, sir. Our typical attrition rate for the last several years has run at 33 or 34 percent. Three percent are honor.

Senator **Culver**. Three percent of the class or of the 33 percent?

General **Ulmer**. Three percent of the class.

Senator **Culver**. Which would be about 10-percent attrition rate?

General **Ulmer**. Yes, sir.

In the matter of exams, sir, this of course was not a normal mode of graded recitation. And when we have examinations throughout the class, normally of course these are done during class periods, they are done by class groups, and the opportunity for collaboration is almost nil. Less than 1 percent, sir, of the grades this year have been derived from independent home type of problems such as this.

I also believe it might be reasonable to assume that members of the class of 1977 who take the honor code lightly might well have taken this opportunity to cheat. There are circumstances which indicate that perhaps these people had done some of this before. And the opportunity certainly was there in this case. You have described a very thorough and scrupulous way in which we have examined this, and I feel relatively comfortable at this juncture, sir, that we are talking about most of the people in the class to date who have been guilty of honor code violations.

Senator **Culver**. There are other situations—if this is where you have these breakout sections, and so forth, what about the case where you hand in English themes, written themes, work that is done outside, submitted? Do you periodically spot check by way of cross reference as far as the knowledge of the cadets is concerned with other sections?

General **Ulmer**. Sir, different departments handled this differently. In the themes themselves normally, since we are talking about different topics and so forth, this does not come up. But I understand that in the social science department they have methods of routinely comparing papers, and have for some years.

Senator **Culver**. You can testify as a fact to this congressional hearing that that is the case, that they have procedures and policies to your satisfaction that minimize the likelihood and possibility of cheating by plagiarism, for example, in submission of these? Do you know what those processes are? You say you understand they have. You are in charge of that place. Do you know for a fact that that is true?

General **Ulmer**. Well, I am not in charge of the academic part of it, sir, but I can tell you from firsthand that instructors in certain departments have procedures for reviewing papers. I am not competent to go beyond that in describing the special rules of each department.

Senator **Culver**. The Superintendent might want to respond regarding the specific committee which is now overlooking the methods of examination control.

Senator **Nunn**. Superintendent Berry.

General **Berry**. Yes; it is more proper for me to respond to the question dealing with academics, Senator Culver, since General Ulmer is concerned as Commandant of the Cadets. I have another Brigadier General who is the Dean of Academics, and I am over academics as well as cadets.

Let me respond to your question. Yes; I will answer for the record that our English department, our history department, and our social sciences department, and those departments that give out the themes in that type of work, do have systems for checking for plagiarism, and for any kind of copying against each other. This is also a part of the scope of the committee on academic procedures which I appointed several weeks ago, and which will report to me the 15th of June to review the adequacy of these procedures.

Senator **Culver**. You talked about the cadets having to initiate these complaints, and the extent to which you may be motivated to initiate a larger search yourself.

General **Berry**. Not only the cadets, Senator, officers, too.

Senator **Culver**. But I got it from you, that you are going to do something more aggressive yourself to check this.

General **Berry**. That is correct, sir.

Senator **Culver**. After you have enough reason to do it based on available evidence?

General **Berry**. I believe that is correct.

Senator **Culver**. And second, do you follow up on accusations by cadets of cheating in other courses?

General **Berry**. You say do I?

Senator **Culver**. Will you?

General **Berry**. I do, sir, I not only will, but I do, and have in the past. Responsibly, I must have specific allegations rather than just names.

Senator **Culver**. I appreciate that.

General **Berry**. Yes.

Senator **Culver**. Thank you, Mr. Chairman.

Senator **Nunn**. Senator Hart, who is a member of the full committee, is with us today.

Senator Hart, do you want to ask any questions?

Senator **Hart**. First of all, I want to thank you. Senator Nunn, as chairman, for letting me sit in. I am not a member of the subcommittee, but I am interested as a member of the Board of Visitors of the Air Force Academy. And I believe we will be having their representatives testify.

Senator **Nunn**. That is right.

We are glad to have you.

Senator **Hart**. I want to identify myself with the remarks you made earlier. I support the concept of an honor code. I think most Members of Congress do. And I think we understand why it is necessary. I think our interest here, and the chairman's interest, and the subcommittee's interest, is just to find out what is going on and how the code applies to various academies. I think it is also a typical situation for Members of Congress to probe into an area like this, with some of the things that have been happening in this town in recent days. And one might strongly argue that it might be timely to have an honor code for Members of the Conrgess too, But I feel very strongly that, as an individual, it is difficult to sit in judgment. We have some housekeeping to do ourselves.

The difficulty, it appears to me here, is that the code as formulated combines both legal and moral principles. That is to say, it is illegal to steal—it is at least in our system of society—and it is immoral to lie or to cheat. It is not illegal to lie unless one is under oath or there is some other legal constraint. But the code, as spelled out, intermingles legal and moral concepts. And I think that leads to some difficulties.

Second, the difficulty is compounded by the toleration phrase which is even grayer. Let's assume two cadets are walking down the sidewalk and cadet A asks to borrow cadet B's comb. If cadet B says, "I don't have a comb in my pocket," but later finds he does, that seems to me a violation of the code. I would hope that he wouldn't be thrown out of the Academy for that. It is a little bit like Secretary Hoffmann's hypothetical case: At what point does lying go to the character of a person and jeopardize the battlefield situation that is often referred to?

But I would like to throw out the gray area. Applying moral principles in a world that is not black and white—much of what we do is in gray and flat areas—is not sensible. We ought to consider what the burden is on the cadet for tolerating, what must a cadet do who hears third-hand or piecemeal about some collusion on an exam or whatever, and what duty does he have to go out and invesitgate some rumor that he may have heard.

Secretary **Hoffmann**. I think on the specifics General Berry might like to comment. But I think, on your point about this blend of moral and legal responsibility, you will find the same pressure in the body of laws generally, and in many cases. The fact that a citizen owes his testimony to the State has been a subject in grand jury proceedings and witness proceedings of some development over the years. But it is there. And you have process to compel testimony in those cases. Again, the false official statement section of title 18 of the United States Code, which provides a sanction for less than sworn misrepresentation under certain circumstances, again implies both a legal and a moral wrong, but one is recognized and the other is assumed, and there comes a cutoff point in which you recognize certain actions and don't recognize others. So that I think that is not unique to the application of this code we are talking about, it prevails in other codes and those systems that attempt, as I said in my statement, to conform or to exhort certain types of behavior and stress certain elements thereof.

Now, again I think it underscores the point made earlier that the code as we applied it at West Point—which is not just a means of enforcement of behavior, but a means to inculcate and develop certain reflections and certain responses in certain situations—the code to be clear enough to those under it so that we eliminate those areas at the margin in which the question of what to do arises, and puts stress on development of character which provides strength to make the right choices as they appear.

Now, with respect particularly to how the code operates in various situations, I think General Berry can add some perspective to that.

Senator **Hart**. I just want to know this—if the cadet overhears a rumor that there was cheating on an exam, and it is very vague, what is his obligation?

General **Berry**. If he overheard a vague rumor, Senator, he must react responsibly even as I as the Superintendent must. He has no obligation to go track down vague rumors. He must be responsible in what he finds and what he does.

You commented on the murky——

Senator **Hart**. What does acting responsibly mean? Does he come to you? Or what does he do?

General **Berry**. The Corps of Cadets has vague rumors everyday about every aspect of life. The clear-cut statement is strong, I think: A cadet does not lie, cheat, or steal nor tolerate those who do. That is a personal absolute, it is clear in his own life, nor tolerate those who do. When he has personal knowledge of lying, cheating, or stealing, then he is obligated, he is dutybound, honorbound to report that, either first by confronting the individual and saying, look, it appears to me that you have violated the honor code, and perhaps he can find that he had a misimpression, misperception. And that would resolve it, and he has satisfied his obligation.

Senator **Hart**. Does he have an obligation to report a rumor?

General **Berry**. No, sir.

General **Ulmer**. May I add something to that?

General **Berry**. Yes.

General **Ulmer**. I think, sir, that we are talking not about a trivial rumor, but something which could have some grave undertones. And I think a cadet operating under the spirit of the code would go to his company honor representative and say, "Charlie, I thought I heard some discussion about some cheating or cribbing or something going on in the English class. And I don't know anything more about it, but I just pass on the information." And I think the company honor rep then would normally go to the chairman of the honor committee and say, I heard a rumor that there was some cheating in English. And the chairman of the honor committee would talk to the Deputy Commandant and/or to me or the chairman of the English Department, and say, "Sir, we have no specific information at all, but there is this undercurrent of rumor, and we just thought you ought to know."

General **Berry**. I agree with that.

Senator **Nunn**. May I add an observation here. The Superintendent is saying on the one hand that there would be no violation of a toleration if that cadet that heard the rumor did nothing but go to his room or forget it. The commandant is saying on the other hand that it certainly might happen and could occur or probably in some cases should occur that he might pass that rumor up the line, but if he doesn't pass it up the line, would both of you agree that he did not violate the toleration clause?

General Ulmer. That is correct, sir, unless he has specific knowledge.

Senator Hart. He has no positive duty to find out by specific knowledge?

General Ulmer. I think he has a moral obligation not to let it drop unless he thinks it is a wild rumor.

General Berry. I may have emphasized your vague rumor, Senator Hart, more than I should.

Senator Hart. Thank you.

Senator Nunn. I have two or three questions that I want to pose to the Superintendent and the commandant.

First, Superintendent Berry, there is a code that you have, and I wonder if it does conflict with the cadets' understanding of their own honor code. And I am going to read you both.

The cadets' honor code and the system is "cadet property is owned by the cadets, controlled by the cadets, and operated by the cadets."

Yet to facilitate the disposition of many of the cases now pending in West Point you appointed an internal review panel composed mostly of officers. Furthermore, in a recent address to the association of graduates you stated and I quote you, that it was your "obligation to set matters straight where there are suspected violations of the honor code. This will be done through the administration of officer boards, through the initiation of other cases which may be recommended by the internal review panel, and by my review of the cases and recommendations to the Secretary of the Army."

So my question to you, is: Do your actions lend credence to the often-heard criticism that while the code may belong to the cadets, its application and operation belongs to the officers?

General Berry. Sir, the Superintendent at the Military Academy is charged by the Secretary of the Army and the Chief of Staff of the Army with full responsibility for the superintendence of the U.S. Military Academy in all of its aspects, and West Point military reservation.

Now, within the U.S. Military Academy, focusing on the training of young officers for the U.S. Army, I see my central mission and responsibility as being that of developing soldier leaders. And central to that is character development and integrity.

The Corps of Cadets themselves have the greatest responsibility for the honor code and the supporting honor system. Indeed, without the full commitment of the Corps of Cadets as individuals and collectively, there would be no honor code nor system. It is something, as you realize, which cannot be imposed. Indeed, ours has grown up from within the Corps of Cadets, and it commands their support, and their commitment, their seizure, as the Secretary put it.

But, the Corps of Cadets themselves, no cadet, and no group of cadets, has the power of appointment to the Academy or separation from the Academy. That is the responsibility of the Secretary.

The honor system depends heavily upon the honor committee, the cadet honor committee. They reach their finding when there is an allegation of a violation of the honor code, and they make their recommendations to the Commandant and through me to the Secretary of the Army.

Here is where there is a blending for those who have been found to have violated the honor code, there is a blending of responsibilities of all of us, the cadets, the commandant, the Superintendent and the Secretary of the Army.

So, while certainly the corps must feel jealously possessive of honor at West Point, it would be incorrect to say that it is their responsibility exclusively. It is a shared responsibility all the way to the Secretary of the Army. But, the key responsibility is in the corps and their attitude.

Now, on the appointment of the internal review committee, the sequence of events was this. March was the month of the giving of the home study project, the grading and the discovery of some papers that lead us to be suspicious of possible honor violations. April was the month of the cadet honor committee investigating the cases that our investigations had developed to that date, in early and mid-April. For 10 days in mid-April honor committees handle the papers in the numbers that they had at that time.

So 117 papers went before the honor committee.

And then as time was moving on into May, as the cadets were entering into their final examination period, from May 17 through May 27, a time when they are totally committed to doing the things that full-time students do come final examination, and as they were moving into that final June week, May 28 through June 2, and the graduation on June 2 of the class of 1976, thereby the graduation of one-half of the two upper-class honor committees, the fact is that as we are in mid-May approaching and going into the examination period, and as our continued investigations find additional numbers of papers for which we have cause to be suspicious, the numbers were growing beyond that with which the cadet honor committees simply could cope, particularly going into the examination period. So, it became clear to me that I as Superintendent, with the full responsibility for everything that is done at the Military Academy, had in this case to take an extraordinary step, that is, the creation of a combined board of cadets and officers, the internal review panel, to do the things that the cadet honor committee could not do at that time.

This was done with the concurrence and the understanding of the honor committee chairmen of the class of 1976 and the class of 1977. In fact, they were relieved, acknowledging that they just couldn't handle it at that time.

So, I suggest that the creation of the internal review panel was a commander's, a superintendent's, response to a situation which required that type of action, that it was done with the concurrence and knowledge of the chairmen of the two upper-class honor committees, and that it in no way is taking over the honor code or system by the officers of the Military Academy. It is simply continuing to reinforce and work with the cadets as we have done for these many years.

Senator Nunn. Gentlemen, how many cadets are on that special panel you created?

General Berry. Sir, there were five subpanels, three-men subpanels, two officers and one cadet. So, there were five cadets on the total.

Senator Nunn. Five cadets, and how many officers?

General Berry. Ten officers and five cadets.

Senator Nunn. How many cadets are on the normal honor panel?

General Berry. On the normal honor board there are 12 cadets. On the normal officers board there are three to five officers.

Senator **Nunn**. Were any or all of the five on the special board from the normal honor board?

General **Berry**. Yes, sir. We had—was it two or three?

General **Ulmer**. I think two, sir.

General **Berry**. At least two, two or three from honor board, and then the remainder of the cadets were from the corps at large.

Senator **Nunn**. And there was no reason for excluding certain members of the honor board, was there?

General **Berry**. No, sir.

Senator **Nunn**. Were there any implications that the honor board itself was not working properly.

General **Berry**. None to me, sir.

Senator **Nunn**. None to you?

General **Berry**. There were no indications that the honor board was not working properly.

Senator **Nunn**. One other question. We are going to have Congressman Downey testify tomorrow morning, I believe. And I know that you have all read his report. I believe it has been in the Congressional Record. He concluded that the reason—and I quote him—widespread cheating was discovered in the case of an electrical engineering examination was that "instructors traded papers with one another in an effort to determine exactly how many persons cheated."

Congressman Downey went on to say that "this unusually diligent effort to discover the extent of cheating, rather than the unusual amount of cheating, has produced the current scandal."

Following Congressman Downey's visit to West Point in May, he stated: "I found no one at the Academy who could explain why a cadet who had never cheated for 3 years at West Point would suddenly cheat on a quiz worth no more than 5 percent of his course grade."

The implications of Mr. Downey's conclusions are, of course, very serious. Superintendent Berry, I would like your comments on that.

General **Berry**. Mr. Chairman, I have in front of me the report of Congressman Downey. And the report begins, "This is a preliminary report."

Looking at the conclusions, I see one that says: "I have searched but I have found no evidence that there was anything unusual about this exam which would have provoked an exceptional amount of cheating."

And he says, "It appears that most of the cadets we interviewed were correct when they asserted that the people who cheated on this exam had probably not done so for the first time."

My comments, I think, must be cautious about Congressman Downey's preliminary report, because this goes to the heart of the matter upon which I will sit as the reviewing officer for these cases. But, to say that the scandal, "the honor scandal" is caused by exceptionally intensive investigation, I would have to question.

I simply have to close commenting on Congressman Downey's statement by stating my strong belief that of the 4,000 cadets at the U.S. Military Academy, drawn from all portions of this country, the vast majority of them support the code, embody that in their daily lives, and in no way have been tainted by this single incident. And as a responsible official, I must deal only with the facts that come through the established procedures. So, I think that it is better that I comment no further, if that is all right with you, Mr. Chairman.

General **Ulmer**. May I make just one point, Mr. Chairman.

Senator **Nunn**. Yes, sir, go ahead.

General **Ulmer**. I think, sir, that it should be noted that when Congressman Downey visited on that date we had simply identified the 48 cadets who had been found to have violated the honor code by the honor committee. The investigation was still in progress. And the additional number of cadets had not yet surfaced.

I believe, sir, it is fair to say that while we are attempting a careful and thorough investigation of this incident, that it certainly should be no more thorough than we would do in any circumstance where there was evidence of cadet violation of the code.

Senator **Nunn**. Well, the Buckley study went to this point in another way. They concluded, among other things—and I quote the Buckley study—that "it is unrealistic to assume that anyone complies fully with the preceptions of the code. Yet the system is righteously imposing ultimate sanction on a cadet whose transgression of the code comes to its attention."

Now, does this suggest that all cadets at one time or the other violate the code, and it is a matter of enforcement rather than a matter of compliance?

General **Berry**. May I respond to that, sir, having directed that study.

Those are unfortunate words with which I disagree and most of the members of the study group disagree with that too. They did their voting on the recommendations. Those words were written by an individual as he in all honesty and conscientiousness was trying to describe some of the moral questions involved in something as absolute as that code. I do not subscribe to those words. Nor do they represent most of the honor group.

Senator **Nunn**. General Ulmer, do you agree with General Berry on that?

General **Ulmer**. I certainly do.

Senator **Nunn**. Senator Bartlett.

Senator **Bartlett**. Thank you, Mr. Chairman.

General Berry, in your opinion would a change in the administration of the Code, for example, the reporting of violations directly to an officer board for disposition rather than to a cadet honor board, strengthen or weaken the honor system at West Point?

General **Berry**. Senator Bartlett, I think that any change that would require reporting honor violations to an officer board rather than to the cadet honor committee, or honor board, would weaken the honor system at West Point.

Now, the basis of the honor system, the working basis must be the full participation of corps of cadets as individuals and collectively.

Senator **Bartlett**. General Berry, part of the history of the honor system at Princeton University was that the students had a proctorial system in operation where an instructor or somebody was overseeing that honor code or overseeing an examination for the purpose that there be no cheating. But, there was lots of cheating with such a system, as I think most of us who have operated under such systems will agree. And therefore the students approached the administration to present an honor system that they would operate for which they would be responsible. And so the present system was written with some charges that evolved from that. It seems to me that the support of the honor code among the students was very vital for its successful operation, that there be compliance with the code. Is this true also of West Point?

General **Berry**. The same principles are absolutely true at West Point. Again, the key point is that the honor code at West Point, as at Princeton, without the full participation and support of the student body, is simply nonoperative.

Senator **Bartlett**. General Berry, you mentioned earlier that 54 percent of the cadets voted against the single sanction provision in the present code, and that it required, apparently, by the honor committee only two-thirds vote to carry it. Because of the fact that in order for there to be compliance, and in order for the home system to work well, there must be support for it, why shouldn't it have worked just the other way around, perhaps—not that there is any magic about two-thirds or one-thirds, but it would seem to me that if a majority were in favor of a multisanctions system, then that system should be very seriously considered. To put it another way, that for the system to work, with only 46 percent supporting a single sanction system, it would seem to me that there is not the support for the single sanction system that there used to be to participate and expect compliance. How do you react to those comments?

General **Berry**. Senator Bartlett, I think the elected representatives of the Corps of Cadets, the members of the honor committee, in a mature, thoughtful way recognized the fragility, the delicate nature of all of the human workings and the ideals of an honor code and system. And I think that they were conservative in citing that two-thirds vote as the vote necessary to bring about what to them appeared to be a radical change, even though there has been a similar system at the Air Force Academy for a number of years. But for West Point and for those young people, that appeared to be radical.

So, I think that the voting rules indicate the degree of their devotion to the continued working of the honor code and system, and their acknowledgement that the overwhelming majority of the cadets must support whatever is done there.

General **Ulmer**. May I add something?

Senator **Bartlett**. Just a second, General Ulmer.

I can understand and agree that what you say would make sense, and I would hope that would be the attitude of the honor committee. But, would it not also make sense that in order to expect the system to function well and properly, that there should be two thirds, perhaps, or at least well over a majority, of the cadets supporting the single sanction system for it to work?

General **Berry**. Well, I would suggest——

Senator **Bartlett**. The system works not only because of the honor committee, I would assume, though certainly to a great extent, it also works because of the attitude of the great majority of the cadets.

Secretary **Hoffmann**. Could I just make what may be a semantic point?

I am not sure that when you look at a vote of 54 percent to change the rule as against the two-thirds that have been proposed as a reason to change the rule, that that necessarily reflects that they don't approve of what is going on.

General **Ulmer**. That was the point that I wanted to make.

Secretary **Hoffmann**. There are certain forms, there are certain votes in the Senate and the House and various bodies that require this more than a majority expression. And it is not really a question of a negative impulse if it is perceived as a vote to improve the system. It is not necessarily in derrogation of what we have to suggest change, as it may be to improve it, to add a dimension. I am not sure how many of those 54 percent are going to say that the present code is unworkable, it is unrealistic, and we shouldn't go along with it unless we have this change, and I wouldn't want the implication to creep in that that was the case.

Senator **Bartlett**. But would the Secretary agree that there would be some significance to a majority wanting a change in that area? I guess you could call it an improvement in the system.

Secretary **Hoffmann**. I am not sure what the development of this thought has been in the code. Having been a member of the staff on the Senate side of the Congress, one sees progression in some cloture votes, for instance, on key issues, where the votes reflect a change in the view of the body politic at large. I think there is a mixture of reasons for that.

But, sometimes the implications have changed as opposed to the substance of what is being changed. They have a factor of importance of the change which is reflected by the requirement of two-thirds vote.

Senator **Nunn**. At this point I think we are going to have to adjourn. We are starting to vote now.

Mr. Secretary, Mr. Superintendent and Mr. Commandant, we appreciate very much your being here. We have other questions. I have several that I have not had a chance to ask that we will be submitting for the record.

[See questions, p. 42.]

We will probably be having you back at some stage. We intend, tomorrow morning at 9 a.m., to have the Superintendent of the Naval Academy. We also intend to have Congressman Downey tomorrow morning. I am not certain in what order they will appear. Senator Bartlett and I and some other members of the subcommittee are engaged in the conference on the military bill in the House and the Senate which starts at 10 a.m., so we are moving up the schedule to 9 a.m., and we hope to be through no later than 11 a.m.

But we appreciate your appearing and we look forward to communicating with you on this very vital subject sometime in the future.

[Whereupon, at 1:40 p.m. the subcommittee recessed to reconvene at 9 a.m. on Tuesday, June 22, 1976.]

QUESTIONS SUBMITTED BY SENATOR SAM NUNN

(Questions submitted by Senator Nunn, answers supplied by Secretary of the Army, Superintendent, and Commandant of Cadets, U.S. Military Academy.

Question. In a recent book on the military academies' honor systems published by the New York University School of Law, author Michael T. Rose concluded that the honor systems should be reformed and that the "starting point for reform is the recognition that it is neither feasible nor desirable to maintain in the Armed Forces ethical standards for surpassing societal norms . . . the general goal of reform must be to harmonize the academies' notions of honor with those of the society they serve, as well as to administer the systems according to common conceptions of basic procedural fairness." Do you agree with these conclusions? Do you believe that the recent cheating incident indicates that the ethical standards West Point is attempting to uphold far surpass societal norms?

Answer. First of all, the determination must be made whether "far surpassing" translates to mean "higher than" or "different from" societal norms. We would argue that the West Point Honor Code is not contra-normative (different from societal norms). The American society subscribes generally to the notion that people should not lie, cheat or steal and that citizens share in the responsibility for the enforcement of these norms. Else, why law enforcement at all?

The second interpretation, "higher than," implies an ethical continuum along which various human groups are found. Here we would agree that the Honor Code is and ought to remain at the higher end of the continuum. The position of groups along this continuum tends to be determined by two factors. First, the standards that the organization requires for its internal functioning. Second, the standards that society expects the organization to adhere to (external functioning). This is not to say that we do not desire ideal standards of behavior from all, but rather that there tends to be less "tolerance for deviations from the ideal from members of some organizations than from others. This lesser degree of tolerance tends to be prevalent when the organization in question deals with human life itself.

It is the traditional and appropriate role of the professional schools, (medical school, law school and the military academies) to assist in the development and perpetuation of the professional ethic. As stated in the Prelaw Handbook (1975–76), the official guide to ABA-Approved Law Schools, "As a professional, the lawyer is committed to a morality higher than that of the market place." (p. 9). It would appear, therefore, that along with such institutions as the family, the church and the school, government and the professions have an essential role to play in the definition of social values. If these institutions abrogate their responsibility, the norms of the society are likely to be overly influenced by groups on the other end of the continuum. It would logically follow, therefore, that the societal norm would be lowered.

The standards of honor at West Point are entirely appropriate to its mission and its role in the American scheme. The complex factors and situations that led to the recent cheating incident cannot be simplified as a mere allegation of having established unreasonable ethical standards. There may be systems modifications necessary to ensure that the prescribed standards are clearly understood, that performance in relation to these standards is properly assessed, and that sanctions for deviations are appropriate, but it is considered unnecessary and inappropriate to change the statement of these standards (The Honor Code).

Question. I believe that "The Silence" was officially banned at West Point in 1973, following the case of Cadet Pelosi. Yet in a recent case involving a cadet whose "conviction" by the Cadet Honor Committee was set aside by you, the Cadet Chairman of the Honor Committee, following your action, issued a letter to the Corps of Cadets which stated that:

"The decision has been made and cannot be changed. The Superintendent did not ask that the Honor Committee or the Corps of Cadets to agree with the decision . . . and many of us cannot. However, no matter what our personal feelings are, our efforts must be turned now to the future to ensure for ourselves, and for those cadets after we have graduated, a strong and viable Honor Code and Honor System.

"We must remember, no matter how hard it may be for some of us, that all individuals should be given the respect due them as human beings . . . but we have the right to choose who we associate with, and who we speak to . . ."

This letter strongly suggests that "The Silence" is still employed at West Point. Would either you, Superintendent Berry, or you, Commandant Ulmer, care to comment?

Answer. First, I would like to set the record straight concerning the discontinuance of "The Silence." In the fall of 1973, the Cadet Honor Committee discussed whether or not "The Silence" should be continued. The company honor representatives were directed to return to their companies, advise the cadets within their companies that the Honor Committee was considering the possibility of discontinuing "The Silence." The honor representatives discussed the pros and cons of "The Silence" and attempted to get a consensus of the reaction to this proposal. Some companies did not vote by ballot or by a show of hands, nor were they required to do so, to determine whether or not "The Silence" should be continued. Subsequently, the Honor Committee met and discussed the opinions and feelings obtained by the 36 company honor representatives. The Honor Committee then voted to discontinue "The Silence." Second, "The Silence" was an effective means of demonstrating that the Corps of Cadets placed their support completely with the Cadet Honor Committee, who as elected representatives, interpreted and judged honor violations by members of the Corps. Hence, when a cadet who was found guilty by the Honor Committee did not resign or was not separated from the United States Military Academy, the Cadet Honor Committee presented the facts to the Corps to determine if they desired to invoke "The Silence." Thus, it was a form of social ostracism of a cadet from the Corps whom the Cadet Honor Committee believed had violated their Honor Code and was permitted to remain. It was never intended to be a form of punishment. The extent of effectiveness of "The Silence" was totally dependent upon unanimous or almost unanimous support of the Corps. As the Corps grew in size, it became more difficult to enforce this ostracism with any degree of effectiveness. Following the Pelosi case, when a few members of the Corps committed immature acts of harassment against Cadet Pelosi, the Honor Committee recognized that "The Silence" could not be controlled because the Corps had grown too large. The statement written by the Chairman of the Honor Committee which you quoted was taken out of context. The Chairman of the Honor Committee immediately prior to making this written statement to the Corps had been informed of the Superintendent's decision to set aside the findings of a board of officers in the case of Cadet Steven R. Verr. The purpose for the written statement was to ensure that the members of the Corps accepted the Superintendent's decision in a professional manner. Moreover, the statement charged the cadets to ensure that all individuals (in this case Cadet Verr) be given the respect due them as human beings. The remainder of the sentence, ". . . but we have the right to choose who we associate with and who we speak to.", was intended to be a matter of fact statement and one that did not dictate that the individual had to be accepted as a personal friend if one did not choose to accept him as such. In fact, the Chairman of the Cadet Honor Committee argued vehemently against any reconsideration of the return of "The Silence" even though it was suggested by some members of the Corps. "The Silence" is not employed at West Point.

Question. What "due process" rights are accorded to an individual accused of an honor violation? Specifically, does the accused have a right to legal counsel or special cadet advisor; reasonable opportunity to prepare his defense; right to examine all evidence against him prior to the Honor Committee hearing against him; right to confront and to cross-examine his accuser(s); right to be present at all times during the hearing; right of appeal?

Answer. His Rights before the Board of Officers: The accused's rights before Boards of Officers are as follows: the accused before a Board of Officers does have the right to legal counsel; does have reasonable opportunity to prepare his defense; does have the right to examine all evidence against him prior to the Board of Officers' hearings; does have the right to counsel and to cross-examine his accuser(s); does have the right to be present at all times during the hearing; and does have the right of appeal.

His Rights before the Honor Committee: Right to legal counsel or special cadet advisor—every cadet has a right to seek legal assistance at any time he so desires. However, at Honor Committee proceedings a cadet is not represented by legal counsel. He is represented by a special cadet advisor who acts as his procedural advisor and as the individual who will ensure that questions are asked as requested by the accused. The cadet advisor is an Honor Representative. The accused is advised in writing of the name of his advisor and that the advisor will not act in any way as a defense counsel. He is advised also that he may not enter into privileged communication with his advisor.

Reasonable opportunity to prepare his defense—the accused will have been notified of an offense by his Company Honor Representative and will have appeared before a subcommittee consisting of three cadets prior to any appearance before a 12-man Honor Board. In each case the accused will have been informed of the allegation against him and will be well aware of the offense which will be heard by an Honor Board. Additionally, Honor Committee Procedures, unless waived by the accused, require three days notification prior to convening a full board. The accused is notified in writing of the allegation, the name of his advisor, the time and place for the Honor Board hearing. At this same time the accused is notified in writing that he has the following rights: Remain silent; present evidence in his own behalf; have any other individual present evidence in his behalf; be present during the board hearing except during board deliberations; cross-examine all witnesses through his cadet advisor; and challenge any member of the board for cause. Although we cannot unequivocally state that the procedures have been followed to the letter in every case, members of the Cadet Honor Committee are striving to ensure that due process for individuals is correctly and properly maintained at the Honor Committee hearing even though court decisions have stated that due process is properly ensured at the hearing by a Board of Officers.

Right to examine all evidence against him prior to the Honor Committee hearing against him—the Honor Committee expects each cadet to be open and honest at all Committee hearings. Although the cadet generally will be aware of all evidence against him based upon preliminary investigations conducted by Company Honor Representatives, Regimental Honor Representatives, and Sub-Committees, the Committee does not provide the cadet full and complete access to all evidence until the Honor Board convenes. At that time the cadet is present during the hearing, except during deliberation, and is able to hear all witnesses and to examine all evidence against him.

Right to confront and to cross-examine his accuser(s)—the accused is able to do this by being present during the hearings and to ask questions through his cadet advisor.

Right to be present at all times during the hearing—the accused is present during the hearing before the Honor Committee except during deliberations which are conducted in closed session with votes taken by secret written ballot.

Right of appeal—a cadet who is alleged by the Cadet Honor Committee to have violated the Cadet Honor Code is referred to the Special Assistant to the Commandant on Honor Matters. He is then informed of his right to legal counsel, and is encouraged to seek the advice of anyone he so desires prior to choosing the option of whether to resign from the USMA or to have his case heard *de novo* by a Board of Officers appointed by the Superintendent.

Question. What percentage of the cadets involved in the scandal are "cheaters" as opposed to "tolerators?"

Answer. Of all those cases involving cadets who have been referred to Boards of Officers at this point in time, all involved those who have allegedly cheated. There is, however, one case pending in which an allegation exists that a cadet has tolerated; this case has not yet been referred to a Board of Officers.

Question. To what extent is the Honor Code—particularly its provision against lying—employed as a vehicle to enforce the numerous Academy regulations governing daily cadet life?

Answer—There is unquestionably a clear link between Duty and Honor. The Duty concept of any individual must subordinate his personal desires to that of the organizational goals. During his training phase every cadet faces a spartan, regulated, and disciplined environment. There are parts of this life, as there will be later in the Army, where explanations of action are a normal part of one's daily routine. Certainly every cadet in a position of authority and every member of the staff and Faculty must recognize that you should not ask inappropriate questions or place unrealistic requirements on any cadet. However, every cadet must recognize that his word is accepted without question and that he is expected to give a full and complete explanation in any circumstance where a reasonable individual believes that a cadet has committed an offense for which he should be questioned.

Question. a. How many alleged honor violations occur annually at West Point?

Answer. Approximately 200 possible honor violations are reported each year to the Cadet Honor Committee for investigation.

Question b. What percentage result in conviction/dismissals or resignations?

Answer. For the past six years, excluding the current EE 304 investigation, the Cadet Honor Committee has found an average of 34 cadets guilty each year, for an average percentage of 17% of the total alleged violations investigated. Of those honor cases which are complete through a finding by a Board of Officers, still excluding the EE 304 investigation, the percentage of cadets who fall into each category of those found guilty by the Honor Committee are shown below:

	1970–73	1973–76	1970–76
Resigned	91. 1	45. 9	74. 1
Board of officers and separated	8. 1	25. 7	14. 7
Board of officers and not separated	. 8	28. 4	11. 2

Question c. What percentage involve "tolerators" as opposed to "violators?"

Answer. Our records show that of 133 cadets found guilty in the past four years only two specifically involved toleration.

Question d. What percentage involved 1st and 2d Classmen as opposed to 3d and 4th Classmen?

Answer. Based upon cases for the past four years the percentages of each class involved are:

Class:	*Percentage*
1st	21. 0
2d	10. 1
3d	30. 2
4th	38. 7

Question. To what extent does a cadet's class standing determine his initial assignment after he leaves the Point? To what extent does his class standing determine the direction and success of his subsequent military career? What is the relationship between class standing and career prospects at the other service academies? At other institutions of higher education?

Answer. A cadet's selection of his initial assignment is based on his relative class standing within the branch that he has previously selected. Since branch selection is based on class standing, a cadet's successful selection of his initial unit would depend on how high he stood in the class, his branch, the number and type of Army-wide positions available for graduates, by branch, and the personal desires of the cadets at the time of selection of assignment.

There is no statistical evidence available reflecting correlation between class standing and a successful career. The absence of quantitative data requires a subjective response that must consider each individual's motivation and personal attributes. This precludes making a statement that the top ten per cent of a class has a better chance for a successful military career than another percentile group. A reasonable assumption is that a cadet who attains a high class standing is likely to continue to manifest those causative attributes as an officer.

The relationship is not known although the previous answer probably applies to this question.

Question. To what extent has the Academy deliberately attempted to foreclose to cadets opportunities to cheat? Are classroom examinations routinely monitored? Are test and other papers routinely cross-checked with one another? Are take-home examinations—such as the two-week take-home quiz which resulted in the current scandal—a standard form of teaching at West Point? How do such "opportunities" at West Point compare with those at other academies?

Answer. (1) Courses of instruction are designed to develop the character and personal attributes essential to an officer, with emphasis on responsibility and integrity. The academic departments provide conditions favorable to these standards. Procedures are developed to make it easy for the cadet to avoid embarrassment or inadvertent appearance of compromise in matters of integrity. It is not a reasonable objective of policy, however, to make sacrifices of education in an effort to prevent all possibility of cheating. The following specific instructions are followed to reduce opportunities to cheat: Work that is to be graded is not the same for cadets at adjacent boards. Graded work assigned at seats is not the same as work done at boards. When academic work involves the submission of problems or other individual work on two or more successive days, no approved solutions are distributed until all work involving the same requirements has been submitted. When a formal exam is given on successive days, the second day's version differs from the first, being neither identical nor equivalently focused and is preponderantly different in most cases. Homework for grade is held to a minimum (less than 1% of all graded, core course work in AY 75–76 was homework where collaboration was not authorized and the homework was given to the majority of a class).

(2) No. An instructor is available to cadets to answer administrative questions during the test and normally locates himself in a hall adjacent to the test rooms.

(3) No. Any such check is neither encouraged nor desired.

(4) No. In AY 75–76 only six take-home graded exercises (other than themes) with no collaboration authorized were administered to cadets enrolled in core courses required of the majority of cadets. The frequency (about 10%) of take-home graded work is higher in elective offerings due to the advanced nature of the work required of the cadet.

(5) Information to answer the question is not available.

Question. In your address of 28 May of the Association of Graduates, General Berry, you stated that since becoming Superintendent, "I have become increasingly aware of how little I really knew about the working of the Honor System when I was a cadet." Do you think this is true of most cadets today? If so, could not ignorance of the Honor System lead to inadvertant violations of the Honor Code? If so, what would be the rationale for the extreme penalty of separation in such cases?

Answer. Cadets today have an understanding of the Honor Code and a working understanding of the Honor System as it applies to their day-to-day lives. There is a lesser understanding among the Corps of Cadets of the Honor System once proceedings go beyond the Honor Committee level, which is natural and to be expected because very, very few cadets anticipate dealing with the Honor System beyond the Honor Committee level. Cadets are instructed in the Honor Code and Honor System during the first month of their cadet training where the basic tenets of the Honor Code are carefully explained and the administrative details of the Honor System as they apply to cadet life are taught. All cadets know and understand the Honor Code—"a cadet will not lie, cheat, or steal, or tolerate those who do"—and they all know that separation is the sanction for cadets who violate the Honor Code.

Question. Is there any material difference in a Board of Officers appointed pursuant to an honor code violation and a Board of Officers appointed pursuant to any other complaint or allegation?

Answer. For Boards of Officers appointed pursuant to Regulations, USMA, there is no material difference. An Honor Code violation once substantiated required by regulation separation from the Military Academy. Therefore, the Board need only make findings and no recommendations. In cases where separation is discretionary by regulation, the Board is also asked to make recommendations.

Question. Is there any legal or administrative significance to the actions of the cadet honor committee in finding a violation of the honor code and in dismissing a cadet from the service academy?

Answer. The legal significance of the Honor Code findings is that they generally constitute an allegation which is transmitted through the Commandant and to the Superintendent for referral to a Board of Officers. Either of those officers may dismiss the case prior to forwarding it and the Superintendent may reverse the adverse findings of the Board of Officers. The Honor Committee itself has no legal authority to separate a cadet from the Military Academy.

Question. What is the role of the Academic Board in the administrative process of finding a violation of the honor code?

Answer. The Academic Board does not participate as a deliberative group in the administrative process of honor violations. Two members of the Board, the Superintendent and the Commandant, may become involved in the administrative process, but not in their capacity as members of the Board.

Question. If the honor code is not an Army regulation, how is it that the Army can take punitive action against a cadet for violating the honor code?

Answer. The Honor Code is an Army Regulation. It is contained in Paragraph 12.14, Regulations, USMA, which are promulgated by the authority of the Secretary of the Army. Further, the action taken is administrative, that is, disenrollment from an academic program at a federal institution and not punitive.

Question. Information supplied to my office by the Army suggests separation stemming from Honor Code violations account for only a small fraction of the annual student attrition at West Point. However, a markedly disproportionate number of "honor" attritees are Fourth- and Third-Class cadets; few are First-Class cadets. Since charges have been made that the Honor System is applied discriminately against lower classmen, I would appreciate your assessment of the reasons for this disparity.

Answer. Yes, there are more fourth- and third-class cadets separated from the Military Academy as a result of honor violations than there are first- and second-classmen. However, the Honor System is not applied discriminately against lower classmen. The disparity is brought about by the increased awareness of a personal sense of honesty acquired by each cadet as he progresses through the four-year program. Those cadets who advance to higher classes, hopefully have internalized the minimum standards of integrity to a greater degree through the honor education program, maturity, and experience. Hence, fewer violations.

Question. In its exhaustive survey of cadet attitudes towards the Honor System at West Point, the Buckley study noted that 66% of the Cadet Corps "opposed modifications in academic procedures that would inhibit opportunities for cheating." In view of the subsequent major cheating incident at West Point, is it reasonable to conclude that cadet opposition to foreclosure of opportunities to cheat is self-serving?

Answer. The Corps of Cadets takes great pride in its Honor Code. The initiation of any action that implies that the Code does not work would be interpreted as an affront to cadets and graduates who have lived with and cherished the principles of honor; one of which is that a cadet does not cheat. It is therefore, not surprising that two-thirds of the Corps of Cadets perceived that the proposal to tighten academic procedures to inhibit opportunities to cheat was a proposal that reflected a lack of trust and confidence in their ability to uphold the Code.

Question. Is it true that until recently every cadet at West Point was required to sign a statement saying "I am not married" every time he returned from weekend leave of any extended absence? If the presumption of personal honor and integrity is accorded to all cadets, why would such a statement have to be made at all, particularly in writing?

Answer. Cadets were required to sign an "I am not married" statement every time they returned from weekend leave until the summer of 1973. The requirement was dropped because it was felt that such a requirement over-loaded the Honor System and represented an inappropriate use of the concept of the inviolable nature of the signature.

Question. In your address of 28 May to the Association of Graduates you stated that "We are determined to insure due process in our search for information and facts and will respect the rights and privacy of individuals in the course of any subsequent action. You later stated that your decision to create an Internal Review Panel stemmed in part from your concern that "due process, speed and thoroughness were about to be overwhelmed by the administrative magnitude of the cases." What, in your view, are the essential elements of "due process" in the adjudication of alleged Honor Code violations?

Answer. (Due process for Honor Committee Boards and Boards of Officers previously answered.) However, the Internal Review Panel is a preliminary proceeding which is charged with the responsibility of determining whether there is probable cause of an honor violation which would warrant the case being referred to a Board of Officers. The proceedings are *ex parte* which means that the Panel hears the evidence outside the presence of the respondents. If there is probable cause to send the case to a Board of Officers, the cadets are given the opportunity to show cause why this should not be done. This is somewhat like a grand jury proceeding.

Question. Reference has been made, by the courts and others, to the "common law" of the honor code. To what extent is there a "common law" of the honor code, i.e., is there a written record of previous decisions and opinions concerning past honor code proceedings?

Is there a body of law or administrative regulation that a Board of Officers can consult in analyzing honor code violations?

Answer. There is no written record of previous decisions and opinions concerning past honor code proceedings which could be considered a "common law" of the honor code. Specific regulations that a Board of Officers may consult are Army Regulations 15-6 (32 CFR 519) and Regulations for the United States Military Academy. Beyond that, Boards of Officers when necessary hear testimony of cadet witnesses regarding classes and instruction given about standards of honorable conduct and with respect to the way cases had been traditionally handled by the Honor Committee. It is the standard practice of the Honor Committee to instruct the Corps of Cadets regarding the outcome of honor proceedings.

Question. What were the circumstances which prompted the formal addition of the "non-toleration" clause to the West Point Honor Code in 1970—almost 50 years after the basic Code itself was institutionalized by then Superintendent Douglas MacArthur?

Answer. Honor instruction and records of the Honor Committee indicate that non-toleration has been a part of the Honor Code at West Point since 1900. During the 1951 honor investigations some of the cadets who departed the Academy at that time were guilty of toleration as a violation of the Honor Code. The existing records do not show that there was any reason to formally add non-toleration to the Code other than an attempt to state formally what had been practice and custom for the past 70 years.

Question. In a recent book on West Point by K. Bruce Galloway and Robert Bowie Johnson, Jr., the authors concluded that "over the decades . . . the honor code has outgrown its original and simple meaning and has become encumbered by a system whose rules and regulations serve to control cadets and to inculcate in them a sense of team loyalty and servility rather than individual integrity and imagination." There is apparently considerable sentiment among the Cadet Corps that the Honor Code is routinely used to enforce compliance with the numerous regulations that govern cadet life and that it should not be so employed. What are your views on the proper relationship between the Honor System and the maintenance of discipline at West Point?

Answer. Notwithstanding the conclusions of Mr. Galloway and Mr. Johnson, the Honor System does not serve to control cadets and inculcate in them a sense of loyalty and servility rather than a sense of integrity and imagination. On the contrary, the Honor System is designed to teach a standard of professional ethics for each cadet. You cannot separate duty and honor. All professional soldiers are honor bound to perform their duty. Experience tells us that effective leaders lead by example, that they outline the tasks to be completed, properly supervise the execution, and then verify to ensure satisfactory performance. Upon query, a cadet, an officer, or any professional should be expected to respond honestly and completely. One should not conclude that such proper inquiries by a responsible official at West Point (or anywhere else) is using the Honor Code to enforce regulations. On the other hand, at an institution such as West Point, when a cadet is bound by his honor to respond to all questions honestly, the potential exists for a cadet's word to be used against him if he violated regulations and is asked. In my view, rules and regulations should be enforced by the personal observation and active supervision of those who are responsible for their enforcement, not by resort to question and answer periods. The Superintendent and the Commandant of Cadets both share my view.

Question. During the last ten years what percentage of those individuals guilty of honor violations have been members of (a) the 1st Class, (b) 2nd Class, (c) 3rd Class, and (d) 4th Class. Please supply these figures by year.

[In percent]

	1st class	2d class	3d class	4th class
1966–67	0	9	20	71
1967–68	1	1	17	81
1968–69	5	3	30	78
1969–70	4	18	18	48
1970–71	5	9	21	65
1971–72	1	19	40	40
1972–73	16	11	30	43
1973–74	14	18	18	50
1974–75	0	0	86	14
1975–76	4	46	33	17

Question. What person or group may dismiss proceedings for an alleged honor code violation?

Answer. The sequence of the Honor System procedures can be generally outlined as follows:

(1) A suspected violation may be reported by a cadet, officer, instructor ,etc. Cadet-reported offenses go directly to company honor representatives. Other sources report offenses to the Deputy Commandant of Cadets who refers the report to the Vice Chairman of the Honor Committee for investigation.

(2) Cadet honor representatives conduct informal investigations and report findings and recommendations to the Vice Chairman of the Honor Committee to dismiss or to send to sub-committees.

(3) A sub-committee consisting of three members of the Cadet Honor Committee conducts a preliminary investigation and recommends either dismissal or referral to a 12-man board.

(4) An Honor Board conducts a hearing during which the suspected cadet and all witnesses testify. The cadet remains for all proceedings except deliberations. Voting is secret and a finding of guilty requires unanimous concurrence of the 12 voting members.

(5) The Commandant of Cadets reviews guilty findings and extends the option to the concerned cadet of resigning or having a case considered by a board of officers. The cadet is provided a copy of the Honor Committee's findings and is then referred to legal counsel before deciding upon an option.

(6) A board of officers is convened under provisions of Army Regulation 15-5, Procedures of investigating Officers and Boards of Officers Conducting Investigations. The cadet is afforded the right to counsel—either appointed military, requested military or civilian at his own expense.

(7) Findings of the officer board are personally reviewed by the Superintendent. If the Superintendent approves a board finding that there was a violation of the Cadet Honor Code, he forwards the case to the Secretary of the Army for final action.

(8) The Secretary of the Army makes the final determination to separate.

Proceedings may be dismissed at any point if it becomes apparent there is insufficient evidence to sustain the allegation. For example, if the Cadet Honor Representative should determine from his investigation that there is insufficient evidence to sustain the allegation, he would report to the Cadet Regimental Investigating Officer and the proceedings would stop at that point.

Question. What person or group has the authority under Army Regulations to separate a cadet for violations of the honor code?

Answer. Only the Secretary of the Army has the authority to separate a cadet from the United States Military Academy.

HONOR CODES AT THE SERVICE ACADEMIES

TUESDAY, JUNE 22, 1976

U.S. SENATE,
SUBCOMMITTEE ON MANPOWER AND PERSONNEL
OF THE COMMITTEE ON ARMED SERVICES,
Washington, D.C.

The committee met, pursuant to notice, at 9 a.m., in room 1318, Dirksen Senate Office Building, Senator Sam Nunn, chairman, presiding.

Present: Senators Nunn, Culver, Bartlett, and Leahy.

Also present: Francis J. Sullivan, Charles J. Conneely, John A. Goldsmith, Kenneth W. Fish, professional staff members; John T. Ticer, chief clerk; Roberta A. Ujakovich, research assistant; Mary G. Ketner, clerical assistant; Jeffrey Record, assistant to Senator Nunn; Charles Stevenson, assistant to Senator Culver; and Fred Ruth, assistant to Senator Bartlett.

OPENING STATEMENT BY SENATOR SAM NUNN, CHAIRMAN

Senator NUNN. As you know, although these hearings were prompted by recent revelations of a major cheating incident which took place at the U.S. Military Academy last March, their focus includes an exploration of honor systems at our other service academies and of other broader issues which bear upon the educational development, ethical standards, and overall character of those academies.

The honor concept at the U.S. Naval Academy at Annapolis has attracted a high degree of interest in recent months because it differs from other academy systems to a much greater degree than the other academy systems differ from one another. Compared to the West Point honor system, for example, that of the Naval Academy appears to be much less rigid in substance as well as much more flexible in its actual application. An understanding of these and other differences will serve to provide the subcommittee a valuable perspective in assessing the honor systems at West Point and at the U.S. Air Force Academy in Colorado Springs.

Of particular interest to the subcommittee this morning are the following questions:

What are the purposes and procedures of the Naval Academy honor concept and system and does the system serve the purpose for which it is intended?

Is violation of the Naval Academy honor concept infrequent and limited in scope or is it a common occurrence?

What cheating incidents have occurred at the U.S. Naval Academy since 1945 and how were they finally resolved?

What is the rationale for the absence in the written Naval Academy honor concept of so-called nontoleration provision of the kind which has stimulated so much controversy at West Point?

How are alleged Naval Academy honor concept violations adjudicated?

To what extent is responsibility for the enforcement of the concept in the hands of persons or groups outside the brigade of midshipmen?

What is the relationship between the honor concept and the maintenance of discipline and enforcement of regulations governing daily midshipman life?

What rights are accorded individuals accused of honor concept violations?

Are midshipmen subject to unusual pressures to excel academically or are they subject to pressures characteristic of most institutions of higher education?

And finally, to what extent does a midshipman's class standing influence his subsequent career?

For the past 200 years this Nation has had the great fortune of being supplied in times of grave national peril with naval leadership of uncommon valor and historic brilliance. This would not have been possible, in my opinion, without the U.S. Naval Academy at Annapolis. As a maritime nation our fortunes in both war and peace hinge to no small extent upon the talent and integrity of our young men who go down to the sea in ships. Thus, the security of our country cannot be divorced from the capacity of the Academy to instill in our naval officers corps the highest standards of honor and integrity.

This morning, before we lead off with our naval witnesses, we're going to have as our first witness Congressman Thomas J. Downey. Congressman Downey and his assistant have done a rather intensive study in the last few weeks of the particular incidents at the West Point Military Academy and we're going to hear from him this morning about his observations.

Congressman Downey, if you'd like to come up and give your testimony, we'd be glad to hear it. We'd be happy to hear from your assistant also. Perhaps you can introduce him for the record.

STATEMENT OF HON. THOMAS J. DOWNEY, A REPRESENTATIVE IN CONGRESS FROM THE SECOND DISTRICT, NEW YORK, ACCOMPANIED BY FRED KASS, LEGISLATIVE ASSISTANT

Mr. DOWNEY. Mr. Chairman, I'd like to thank you and the members of your subcommittee for this opportunity to appear here this morning. As I present my report on the cheating incidents which occurred at West Point last March, I would like to pay personal tribute to you, Mr. Chairman, for taking the decisive action which you did in convening these hearings. Your subcommittee's deliberations, I believe, will be among the most important inquiries into the workings of the service academy honor systems that have ever been undertaken.

On Sunday, May 23, I began my personal investigation of the situation at the Academy, accompanied by my legislative assistant, on my right, Fred Kass. I met Sunday evening for 3 hours with many of the prosecution and defense counsels who are involved in the present administration hearings. On Monday morning, I met with the Superintendent of the Academy, the commandant of cadets, the dean of students, and six members of the cadet honor committee.

The press of legislative business forced me to return to Washington on Monday afternoon; however, Mr. Kass remained at the Academy until Wednesday afternoon to conduct additional interviews.

In the course of the investigation, we conducted nearly 40 hours of interviews, talking to dozens of cadets and officers at the Academy. We took great pains during that time to insure that our selection of cadets and officers enabled us to obtain a wide sampling of opinion. I have asked Mr. Kass to join me here today in the event that you have any questions regarding the interviews which he conducted.

Mr. Chairman, I regret to say that my investigation leads me to the conclusion that cheating and toleration of cheating occur at West Point far more frequently and pervasively than Academy officials have been willing to concede. Indeed, I believe that within many segments of the Corps of Cadets cheating has become, in a word, commonplace.

I base this belief, in part, on the following:

Point No. 1, the 171 cadets presently charged with cheating represent only a portion of the total number of cadets who cheated on this exam.

Although 171 cadets have thus far been formally charged with cheating on this exam, a substantial portion of those who collaborated on this exam and virtually all of those who tolerated such collaboration have not been and probably will never be charged with an honor violation.

This is not to say that the Academy has not vigorously pursued those who collaborated. Indeed, Academy officials are to be congratulated for the extremely thorough and sophisticated methods which they have used to examine 823 exam papers for similarities.

However, by virtue of the fact that the Academy has depended entirely upon obvious similarities in exam answers to identify those who cheated, their inquiry has been necessarily limited.

As a result, the search for cheating conducted by Academy officials has, to date, identified only the unsophisticated and unimaginative cheater at West Point. They have not and probably will never expose those who took a minimum amount of care to disguise their cheating. Nor have they ever begun to discover the numbers of those who informally collaborated—those who provided advice and assistance to one another without actually solving the problems together, or who proofread each other's papers for mistakes. And never, I am convinced, will Academy officials ever determine how many cadets are in some way guilty of tolerating any of the cheating.

Point 2, cheating at West Point can easily go undetected.

The cadets who cheated knew that this particular electrical engineering exam was only a quiz, worth about 5 percent of their grade in the course. They also knew the consequences of cheating: Separation from the Academy and 2 years active service in the Army as an enlisted man.

Yet not only did these cadets cheat, they cheated freely and openly, often copying the test papers of others verbatim. This kind of carefree cheating on so vast a scale can only tell us one thing: It is easy to cheat at West Point and get away with it.

These cadets certainly possessed the imagination necessary to disguise their cheating. Men who are preparing to fight the technologically complex wars of the future are surely intellectually capable of disguising their cheating on an engineering exam—provided that there was any incentive to do so.

Unfortunately, there was no such incentive. Cadets knew that they could cheat and get away with it They knew that each of the 15 electrical engineering instructors would mark only the papers of the 60 or 65 students in their sections. Cadets could copy the papers of others with confidence, so long as those papers came from a section which their particular instructor was not scheduled to grade.

Point 3, the "scandal" occurred because of the unusual intensity of the search for cheating and not because there was an unusual amount of cheating.

The phase "I got help," written at the bottom of one conscience-stricken cadet's test paper was the first bit of evidence that juniors at the Academy had cheated on this exam. The search for collaborators began to escalate in stages as increasing numbers of comparisons were made and ever-growing numbers of violators discovered Then, in an extraordinary effort, the engineering instructors began to trade papers. In an extremely complex and sophisticated procedure, they began to compare cadets' papers with those of their roommates, their company mates and even their teammates, rather than simply with the papers of those who were in their sections.

It was solely through this unique procedure that the broader extent of the cheating began to be discovered. The instructors broke tradition and went hunting for honor violators—something that cadets clearly thought they would never do.

I hesitate to speculate about what we would find if previous take-home exams were examined in the same manner and with the same energy. One thing, however, is clear. There was nothing unique about this exam. In fact, I believe that it defies logic to assert that those who cheated on this exam cheated for the first time.

Why, Mr. Chairman, would a cadet who had never cheated on an exam in 3 years at West Point suddenly decide to jeopardize his entire career over a quiz that would probably have no effect whatsoever on his letter grade in the course? We found no one at the Academy who could provide us with an answer to this question.

Sadly, Mr. Chairman, I am left to conclude that this incident of widespread cheating was not an aberration, but evidenced instead a pattern of behavior which probably repeats itself more often than any of us in this room would like to imagine.

This is a conclusion which has been reached not only by myself, but also by many in the Corps of Cadets. Those who admitted to us in confidence that they were aware of the cheating acknowledged that for many cadets it had become an accepted practice.

Mr. Chairman, it is understandable that Academy officials are reluctant to recognize the severity of this problem. They are the caretakers of 174 years of one of the finest traditions this country knows. But regrettably, Mr. Chairman, the facts do not lie.

Point 4, cadets often have enormous difficulty applying the honor code, as presently implemented, to their daily experiences.

At yesterday's hearings, Mr. Chairman, you examined many of the weaknesses inherent in the present honor system at West Point. There was a great deal of discussion about the difficulties which cadets who attempt to comply strictly with the honor code often encounter. I believe that it was you, Mr. Chairman, who raised the point that the severity of the single sanction makes it extremely difficult for cadets to comply with the provisions of the code which prohibit toleration. And I have noted that this is especially true in cases where cadets observe violations of the code which they do not believe are indicative of a lack of integrity.

The basic proscriptions in the honor code against lying, cheating and stealing are as fundamental to human integrity as the Ten Commandments.

Senator NUNN. May I ask you a question right there?

I think that's a key point of your observation. In other words, what you're saying is, when the cadets know that no matter how trivial the violation is, if they turn that particular violator in, he's going to be given the most severe punishment, so it weakens the toleration clause and it becomes very difficult for them to distinguish between trivial and more serious.

Is that the account of the chain of events as you see them?

Mr. DOWNEY. As I see them, that's correct. And we address ourselves to that later in the testimony, and that is the crucial point; the fact that when you have the corps of cadets looking at the honor code and each one deriving his individual idea of what that is, they have 82 versions of what the honor code is. And, as a result, if people will not turn in cheaters, the honor code becomes cheapened, I think, by the fact that there are so many skewed interpretations of it.

Senator NUNN. So you are saying, if there was variation in punishment and some degree of discretion in punishment, the chances of the toleration clause working as it is intended to work would be much higher?

Mr. DOWNEY. I believe that is a most logical conclusion. The basic proscriptions in the honor code against lying, cheating, and stealing are as fundamental to human integrity as the Ten Commandments. They are lofty values to which all military officers should be required to aspire.

But at West Point such values are imposed upon cadets in a manner which artificially elevates many of the daily vicissitudes of cadet life to the level of great moral dilemmas. Too often, I believe, relatively minor transgressions committed by young men at the Academy are converted by the system into great failings of character. As a result, many men of great potential are needlessly expelled; and those that remain are left confused and discouraged by the apparent unfairness of the system.

Take, for example, the rule which prohibits a cadet writing a term paper from asking a fellow cadet how to spell a word. Imagine, if you will, the dilemma which three cadets working in a room together would face if one of the cadets were to ask another for assistance in spelling a word. If his friend complies with the request, and the third cadet does not report the incident, all three cadets must, under the present rules, be expelled from the Academy. The first cadet would be separated for requesting such assistance, the second for offering it, and the third for tolerating the conduct of the first two—all because of a single word.

The problem is even more evident in the following example. There is a pizza stand near the middle of the campus, at which plebes are not allowed to eat after 8 p.m. If a plebe is found in the area after hours he has not committed an honor code violation but has simply broken one of the regulations. As a result, he may be "slugged"; that is, he may be required to march around one of the buildings in full dress uniform for some established number of hours as punishment. However, if a cadet is found at that pizza stand after hours dressed in a sweatshirt rather than in his regular uniform, he may be charged with an honor violation on the theory that he wore his sweatsuit in an effort to disguise his identity, and therefore is guilty of having the "intent to deceive."

A similar situation arises in connection with the regulation which prohibits most cadets from leaving the grounds of West Point. Those who sneak off risk getting "slugged"—they could spend weeks marching off the resulting demerits. But if a cadet who decides to sneak off at night also stuffs his bed with pillows so that an officer performing a bed check doesn't discover his absence, he risks separation from the Academy for an honor code violation. He is guilty, they say, of an intent to deceive.

Such rulings have caused a great deal of resentment among the corps of cadets. Many feel that the Academy is using the honor system as a "club" with which to obtain compliance with difficult-to-enforce regulations. Several cadets with whom we talked were of the opinion that such rulings "cheapen" the honor code.

Senator NUNN. Let me interrupt you again here, on that area. I don't know whether this is accurate or not or whether it's still a practice, but I understand at West Point also, when there are checks made, the question is asked, is everything all right. That means, is any regulation not being adhere to. If the answer comes back, all right, then is it not true that by answering all right the cadet has then converted the regulation transgression into an honor code violation?

Mr. DOWNEY. That's exactly right, and if you question some of the individual cadets, they have sign-out cards which they have to comply with.

Almost to a man, the individuals that we talked to said that there are terrible problems that they have, both in terms of regulations and the honor code, which, as you suggested, Mr. Chairman, a simple violation of a regulation then becomes an honor code violation.

Many of them posit the fact that the reason they feel the honor code is cheapened is because these regulations are so difficult to live with that if you provide the ultimate sanction, separation from the Academy, you could get compliance with the whole spectrum, if you will, of very difficult to enforce regulations.

Senator NUNN. Doesn't that really mean, when you go by that, that the system is then converted to one where anyone who violates a regulation has a duty to turn himself in for violating it?

Mr. DOWNEY. That's what it amounts to, in many instances. There's an interesting case in a book on the Academy, where an individual who thought he had violated one of the regulations decided to turn himself in and found out that by turning himself in, he had not actually violated the regulation, but had violated the honor code. And he came before the corps of cadets honor committee and then before the board of officers and was found to have thought he violated the honor code and in fact turned himself in for what he thought was a violation, which in fact later turned out to be a violation of the honor code, and was dismissed from the Academy for what many considered to be a thought crime, the fact that he had thought he violated the honor code when in fact he didn't. It's really a very arbitrary and in some instances capricious system.

Senator NUNN. Do you conclude from this that there ought to be a clear delineation between the regulations and the honor code itself?

Mr. DOWNEY. I would think there would have to be, Mr. Chairman. But in particular, I would think that there has to be a very thoughtful and thorough examination of the honor code itself and the honor concept. I think you're going to hear today from the official at the Naval Academy, and I think that the comparisons will be very important to the committee and to any subsequent committee for comparing what should be done with that honor code and honor system, because I think it really needs to be changed.

I don't believe, for instance, that a cadet is any less honorable if he has tolerated cheating and turns himself in. Should he be removed from the Academy for that? I think not. I would think that he has shown the highest precepts of manhood, not only the ability to recognize his own wrongdoings but the courage to come forward and admit it.

And I don't think the penalty for that should be separation from the Academy.

In this regard, many cadets complained to us that they have difficulty determining the precise point at which mere violations of regulations end and honor offenses begin, as we just discussed. Frequently, our discussions with cadets about where each "drew the line" became reminiscent of age-old debates about the number of angels who could dance on the head of a pin.

We talked with a great many cadets, but no two cadets seemed to have the same understanding of the requirements which the honor code imposed. Some cadets described themselves as "hard line," frequently admitting that under their own standards most of their friends at one point or another had committed honor code violations. Others felt that they were more "liberal" in their positions, believing that honor code violations should be reserved for conduct which was truly reflective of moral character.

Mr. Chairman, the point that you were raising before, the fact that the various interpretations have in the long run just cheapened the code—of one thing I am sure: Cadets are not nearly so familiar with "the rules of the game" as the commandant of cadets yesterday proposed. Some are "liberal"; some are "hard line." Some are just confused. But none, as far as I can determine, have precisely the same interpretation of what is expected of them as a member of the corps of cadets.

However, when General Ulmer referred to the honor code as "the rules of the game," he may inadvertently have placed his finger on one of the real sources of the Academy's current honor problems. To many cadets and officers at West Point the honor code is just that—a game. It is no doubt an extremely treacherous game, as the stakes are quite high. But whether the case involves a second classman stuffing his bed so that he can sneak into Highland Falls for a beer or a young plebe trying to get a slice of pizza late at night, the underlying problem remains: The results which the system frequently produces have caused a great deal of resentment among the corps of cadets and have significantly lessened the esteem in which many cadets hold the honor system.

Moreover, these problems are frequently exacerbated by the actions of officers at the Academy who, themselves, appear to be guilty of making haphazard judgments about the type of conduct which constitutes an honor violation. For example, take the case of Cadet Timothy Ringgold. One evening, he was asked by the chairman of the cadet honor committee, Cadet Andersen, to discuss a conversation which he had with Under Secretary Norman Augustine during which he said that cheating was pervasive at the Academy. Cadet Ringgold was hesitant to talk about the conversation. As encouragement, Andersen assured him that he was not under investigation. Ringgold was not convinced and declined to talk about the conversation. At 8 a.m. the next morning Ringgold was formally charged by Andersen with toleration of cheating. He asserted that Ringgold had known of cheating and failed to report it. The evidence against him was his conversation with Under Secretary Norman Augustine, who had, by the way, selected cadets at random to discuss the violations.

When Ringgold complained to the deputy commandant that Andersen had committed an honor violation by lying to him when he said that Ringgold was not under investigation, the deputy commandant responded by saying that Andersen had used a "poor choice of words."

Ringgold, who has never been accused of cheating, now faces expulsion for trying to bring out the facts about the current cheating, while Andersen recently received his commission as a second lieutenant in the U.S. Army.

Point No. 5, the honor code, as presently implemented, will only hinder the Academy's attempt to get the truth.

The Ringgold incident brings me to my final point. The Academy can't ask for the truth, and currently punish men for telling the truth.

I'm not surprised that the leadership of the Academy questions my assertions. They don't have access to the same sources.

Cadets at West Point can't afford to come forward and tell the truth. To expose cheating at West Point is to admit toleration of it. The penalty for telling the truth is expulsion from the Academy.

The only people who know the full extent of cadet dishonesty at West Point are the cadets themselves. Unless and until there is a forum—such as this subcommittee or the independent blue-ribbon panel which legislation I have introduced would create—to which cadets can tell their stories without fear of punishment, we shall never learn the truth.

This concludes my formal report on the cheating incidents at West Point. I am gratified to have had an opportunity to present it personally to this subcommittee, and thank you, Mr. Chairman, once again, for this opportunity to appear.

Mr. Chairman, let me add mention of one other point in response to some questions raised yesterday by yourself and Senator Culver.

With regard to the application of the honor code to the daily lives of officers in the U.S. Army, I believe that it would be worthwhile for this subcommittee to examine a series of seminars conducted by General Cushman at the Army Command and Staff College at Fort Leavenworth last year. During the course of these seminars, the officers at the college were called upon to discuss officer integrity in the Army. They considered at that time examples of the 25 or more most often-repeated situations in which officers were under pressure, either from their superior officers or others, to lie. Most all of the officers participating conceded that they had lied during their career in one or more of the situations outlined.

But one of the most important lessons which emerged from that series of seminars was the fact that West Point graduates are apparently as susceptible to the pressures to lie in the U.S. Army as are other officers. For all we invest in the honor code, these graduates of the Academy were apparently no more or less dishonest than other officers of similar rank and experience.

I believe that someday we are going to have to face the fact that whatever West Point does for an officer in the U.S. Army, it does not make him much more honest. The experience may strengthen his commitment to make the Army a career, but it does not bolster his integrity under battlefield conditions.

Senator NUNN. Thank you very much, Congressman Downey. I congratulate you on your excellent work and your insight into some of the very serious problems we're exploring in this subcommittee.

Let me ask you a question about your last observation. Does the fact that a man admits he has lied at one point or another during his career mean the honor code was of no validity, or could you conclude that instead of lying once or twice during his career, if there had been no honor code, he might have lied chronically?

In other words, I don't think there's anybody that would say they've gone through life without sin. I'm not sure we can jump to the conclusion that a few transgressions during the entire span of a career mean that the honor code had no validity.

Mr. DOWNEY. I think that Secretary Hoffmann, when he addressed the Corps of Cadets at this graduation, put his finger on the whole concept of the honor code. He said that it was timeless—as indeed it is and it is important for every officer. But I think for us to be under the impression that the Corps of Cadets or the people who run the Military Academy that the honor code is something that is instilling greater virtue in the cadets there when they leave the Academy is misleading. It's not only misleading; it's just incredible. It's an important thing to have. It's an important concept to strive for, but the sanctions under it, I don't think, make any better soldiers or any more moral individuals than we would have if there was some flexibility in that honor code. And that's pretty clear from an individual who leaves there, who becomes an Army officer after he's graduated from West Point. The rest of the men in the Army and the women haven't been subject to that same code and the pressures are so difficult that in many instances he's forced to tolerate cheating and tolerate lying just so he can survive within the regular Army.

I think it's important. I think it should serve as a guidepost. But as the ultimate sanction I think it's been, I think that would be a tragic mistake.

Senator Nunn. You would come down hardest on the sanction section?

Mr. Downey. I would think so. I think that there's got to be some room for people who have transgressed and who have come forward and said, I've transgressed. I don't think we want to lose an individual who's shown that sort of courage and understanding of honor.

Senator Nunn. Based on what you now know about this situation after your investigation, if you were all of a sudden placed in the position of Secretary of the Army and had the decisions to make about this instance, what course of action would you recommend?

I know that's a tough question but——

Mr. Downey. It is a tough question. I would look at the two problems because I think there are two separate ones. One is the short-term problem of what you do with 171 individuals who have actually been involved in this.

To repeat myself, the first problem it would seem to me is the short-range problem of what to do with individuals who are currently under investigation and who currently may lose their position at the Academy. Now as to those individuals, I would try and separate those out who have cheated and more clearly violated the code from those who haven't, and I think the process is going to do that. I'm not so sure that I would expel them all. I would recognize, I think, the fact that 171 of them, possibly 100 more, have tolerated or who have not been caught, indicates a tear in the fabric of the honor code more than it does in this individual class of 1977.

The second problem is the more pervasive one and the more fundamental one, what do we do with the honor code and I would think that trying to encourage West Point or requiring them to look at the Naval Academy and have an honor concept would be the sort of thing that I would require. I don't have the answer to that, Mr. Chairmen. I'm sorry if I sound vague. I've thought about this a great deal. But the first thing I would do is pass my legislation and get myself a number of other people who could help me out with the decision because it's a ticklish one. I'm not really sure that expulsion from the Academy for those who have cheated is not the best answer. But when I look at the pervasiveness of the cheating, I say to myself, how could this be justice to have 130 or 140 be separated from the Academy for what might possibly be the sins of 410 of them.

So I don't know the answer to that, but I would think the longer term question of what to do with the code is that it needs some flexibility.

Senator Nunn. I certainly agree with you on the long term. I think we do need some flexibility. The short-term problem bothers me a great deal more though because if you take the position that because there's been a massive violation of the honor code and really, the massive violation we're talking about is not the toleration clause because they haven't even uncovered that, as you say, but the overt cheating which under any kind of honor code, no matter how flexible, would be banned. I don't think the Navy or the Air Force or any honor code in any private institution would have in any way tolerated the kind of cheating that has been uncovered here. I would think that almost all honor codes would, in this particular case, where there was overt cheating, call for the ultimate sanction which would be punishment.

So what I'm describing for you is the very serious charge of cheating that would be serious under any honor code. The difficulty I have is that if you change the rules, for instance, if the Secretary of the Army now were to say because there's been a tremendous number of violators we're not going to expel them all from the Academy, then I wonder what you would do to the overall honor code by taking that action.

Would you be saying in effect, if a couple of you cheat, you're gone, fellas, but if you can get about 170 of you together, we'll change the rules?

Mr. DOWNEY. The other problem with that very ticklish moral dilemma is, do you then separate out 120 or 125 individuals for their transgressions recognizing that in fact many more have admitted to us and to many others that cheating has gone on and then the next year change the code so that to wit you would not have expelled as many as you did?

I'm not so sure I have an answer to that question.

Senator NUNN. It's tough. No doubt about it. You've done a great job of testifying here today and I think your testimony will be of tremendous help.

Senator Bartlett?

Senator BARTLETT. Thank you, Mr. Chairman.

Congressman Downey, you say in your testimony that you've concluded that there has been lots of cheating and that cheating has been tolerated at West Point much more frequently than has been admitted.

Why do you think this is?

Mr. DOWNEY. Senator, in the process of going up to West Point and talking with cadets, we interviewed a number of those who have been involved in this scandal and a number who have not been. In my office I had one cadet who has not been involved in the cheating scandal, who has not been charged, say, "Congressman, not only did I cheat on this exam, but I tolerated cheating and I know lots of others who have cheated and others who have tolerated cheating and they're never going to get them."

And we heard that, with an alarming frequency from not only those who have been involved and who would like to probably implicate others, but from many who were not involved, who will never be involved and who could never be touched. And they could tell us, as we've pointed out in the testimony, because I don't intend to report them to the Commandant of Cadets, and that is the basis for my belief.

Senator BARTLETT. Why did they tolerate cheating and why do they not accept the apparent responsibility that was indicated yesterday on the testimony that the cadets should not only refrain from cheating themselves, not give assistance to anyone else, but also report any violations they see?

So obviously, they're not reporting violations of others at the time.

Mr. DOWNEY. In the instance of this one cadet, it's not only a question of not reporting it. It was a question of actively being involved in the cheating himself. That goes to the very fundamental question of the code itself. Why don't the cadets turn in the individuals for toleration of cheating?

Very simply because I think personally that many of them just don't think they merit turning someone in because they realize that in fact if they turn someone in, that might mean expulsion from the Academy, which I think is too harsh a sentence.

Senator BARTLETT. What you're really saying then is that there's not an acceptance of the code by a sizable number of the cadets.

I asked yesterday if there was any effort made to have a signed commitment by the cadets of accepting the code prior to matriculation. There was not, although apparently there was testimony that they felt that the instruction on the code and the system was sufficient to expect this kind of commitment.

Do you think that it would be an improvement in the system of supporting a code, recognizing there might be some changes supporting the honor code—do you think it would be important that there be a very thorough indoctrination and that a cadet be asked if he did accept the code and fulfill its requirements, as far as you were concerned, whatever they were, so he knew what he was getting into and that the honor committee knew and that he had agreed to it?

Mr. DOWNEY. I think that is one of the very fundamental problems. There are statements at West Point that the cadets are indoctrinated, early on, to the fact that there is an honor code and that they must live up to it and the people who explain that to them are the senior classmen.

So, for instance, the class of 1980 would be indoctrinated into what honor means by the class of 1977, for which 170 individuals have been involved in a cheating scandal.

So one wonders at first blush whether or not they could do a very effective job. I think having them sign something would be just a cosmetic gesture. I think that there's wide acceptance of the code at West Point. The problem is what the code is. It differs in the minds of probably every cadet, and that is the more fundamental problem now.

Senator NUNN. Would the Senator yield?

Senator BARTLETT. Just a second.

Part of the signing, of accepting the code, is signing that the person understands the code and here's what I understand about it.

This was a part of the code that I was involved with many years ago in undergraduate life at college, and so there was an indoctrination, there was an acceptance, and if a person didn't accept it, they weren't accepted by the honor committee for acceptance at the university, and some decided not to go. They just didn't want to accept that responsibility. But in the process of all that I think they had a good indoctrination.

Senator NUNN. Would the Senator yield?

One point we discussed briefly earlier, that's the great distinction between normal academic private institutions or a public institution with an honor code, and West Point is the intermingling between regulations and the honor code.

Nobody told me how I had to shine my shoes or what time I had to be in bed or whether I could go to a pizza parlor at the law school I attended. There were no regulations at all, and nobody came by to check to see whether I was all right at night at 11, and there was no intermingling between private life and regulations and the honor code.

That is a tremendous distinction here. I don't know the answer to it, but it's got to be one of the confusing things to cadets.

I was interested in a statement that General Berry made on May 28 to the Association of Graduates, and I quote him directly. He says: "I have been increasingly aware of how little I really knew about the working of the honor system when I was a cadet."

That gets to the very point Senator Bartlett's making about a complete understanding of the honor code to begin with, and I intended to ask General Berry about that statement yesterday. I just wanted to interject that because I think an understanding, particularly of a system that goes to the question of honor, is essential.

Mr. DOWNEY. If I might add a more humorous note to that; if, for instance, when I was at Cornell University I couldn't get a slice of pizza after 8 without a violation of some code, I daresay I would never have graduated from college in terms of the weakness of my—I think one of the problems that you see here with the plebes is an example of the regulation—the intermingling between the regulation and the code and where the fine line is. It's too fine to be seen by many individuals.

Senator BARTLETT. It's my opinion, Congressman—and I think it might be yours—that no honor code will operate unless it has the strong support and endorsement and individual commitment from the great, great majority of the cadets, in this case, or the students.

One other thing that I think could be important in an honor system is the kind of examinations that are given. In college work most examinations are not the kind that can very readily lend themselves to cheating. The one kind that does is the true-false examination or one like the one at West Point that was given to the cadets where they could have a long period of time to work on it.

Do you think that the system that exists at West Point is the kind of system that lends itself to cheating or lends itself to the cadets' reporting, keeping cheating at a very low level, much lower than a proctorial system and that would lend itself to operate as a workable system?

Mr. DOWNEY. I think you pointed out a very important point and that is the fact that the way the exams are given; for instance, there are so many take-home exams where collaboration is permitted and in this instance all of a sudden there wasn't any. So that points up just some curriculum problems that they might have.

The other interesting factor that is important, Senator, is the fact that the classes are so small. You were talking before about understanding an honor system and being indoctrinated to it. Well, I think part of the responsibility of instilling honor must also come from the tactical officer corps. Each officer, for instance, teaches 15 or 16 in a class, a very small class. You would think that a tactical officer would know who were the brighter students and who aren't the brighter students much before he gets an exam where the student who never participates in class and hardly ever knows an answer all of a sudden starts turning in a perfect paper. That's part of the system and I think also part of the problem here, the fact that the classes are small.

Fine, they should be small. But make the tactical officer more part of the honor system himself where he provides some input.

I think that up until now, from what we could glean from the cadets, they have had an attitude of hear no evil, see no evil, with respect to the honor code. I also think, as you mentioned, the administration of certain types of exams lend themselves to cheating more than others, and I think that would be something for academicians to make comment on more than myself, considering my college record.

Senator **Bartlett**. Congressman Downey, one final question. You have proposed legislation that would create a blue ribbon panel to which a cadet could report alleged violations of the honor code.

Do you believe that this is a desirable method to approach the problem and would you favor a change in the toleration provision or the single sanction for a violation of the honor code?

Mr. **Downey**. It's my hope, Senator, that that would be the judgment of reasonable men who would comprise that commission after they study the problem. But there are, as you mentioned, a whole host of problems that need to be examined, the honor code, its relation to the cadets, the curriculum, the role of the tactical officers in instilling honor at the Academy, and I think that the way that that could best be done would be by not only, No. 1 and most importantly, by an outside investigatory body, the commission, but also by people who are involved in teaching of students, and also involved in the military, as well as Members of Congress.

I think that that is a healthy mix, if you will, of individuals who could objectively assess not only what has happened but what needs to happen.

Senator **Bartlett**. Thank you, Congressman Downey. Thank you, Mr. Chairman.

Senator **Nunn**. Senator Culver?

Senator **Culver**. Thank you, Mr. Chairman.

Congressman Downey, I too would like to commend you for the efforts you have made in this area and your statement here today has been extremely helpful to the committee.

Are you familiar with the Buckley report?

Mr. **Downey**. Yes, I am, to a certain extent, Senator.

Senator **Culver**. Do you generally concur in the basic recommendations of that study?

Mr. **Downey**. I do. Senator, I would like Mr. Kass, who is much more familiar with it than I am, to comment on it. He was up there and spoke to a number of people about the Buckley report and some of the recommendations in it.

Mr. **Kass**. I think that the major impression which the Buckley report made upon us during our visit to the Academy was that there was a source of some of the information which we have determined to be true about a year before we'd been there.

Many aspects of the Buckley report are somewhat prophetic, and it may be said that in some respects the Buckley report forecasted what was to come a year later.

I think that there is much to be gleaned from the report, and having had an opportunity to talk to Colonel Buckley about it, I was very much impressed with it.

Senator CULVER. Did you have an opportunity to discuss with him the vote by the cadets and their unwillingness to accept some of the more important recommendations? Did you have a chance to explore that issue with him and determine some explanation for the vote?

Mr. KASS. Briefly. There were varying opinions as to what the vote meant and what significance should be attached to the fact that less than half of the corps of cadets supported the present stringent penalties.

There was some feeling that the vote in some respect was taken out of context, that cadets voted more on their basic feelings about the theory of it than with a reference point to what that penalty provision actually meant, and that some of them might change their vote in view of the present difficulties.

Senator CULVER. I was interested, Congressman Downey, in your response to the question from Senator Bartlett and this has been mentioned on a number of occasions in connection with this particular cheating incident, the number of unusual factors involved in this particular examination. This was a quiz that wasn't all that important in terms of the final grade involved, and one of the points to be stressed is that it involved taking the quiz home for a couple of days in an unsupervised testing environment.

Somehow it's been implied that this represents an intolerable temptation threshold.

Now it seems to me that the reverse is true. If honor means anything, it means that you're able to carry that kind of burden. You don't need much honor to take an exam that has a proctor at every desk and it has all the trappings of a conventional academic examination.

It seems to me that the fundamental purpose in an honor code is to test the character of people and their capacity to comply with this kind of temptation and this kind of opportunity.

If they can't really handle that, the code itself doesn't mean much. We talk about revising curriculum to accommodate the weaknesses of character rather than to try, as difficult as it is, to strengthen character through tests. I'm just interested in what you think about this. It seems very trendy to say that one of the real problems is that we tempted them to cheat by letting them take the test home.

That's what it's all about, isn't it?

Mr. DOWNEY. I think that it is.

Senator CULVER. You don't test character by having six instructors watching a cadet.

Mr. DOWNEY. Just on that basic question, the instructors, they're really not proctors for the most part. We've heard testimony from cadets who said that the instructors walk out of the rooms.

So it is very possible to cheat and to look at someone's paper really without being seen by an instructor, the only sanction coming from the fellow cadet. So that they are tempted in other ways.

The problem, and I think that you're right fundamentally, that you don't instill honor, and then make violations of honor, not violations, which is essentially what you would be doing if you said we don't want them to take home exams because it tempts them.

They get exams to take home all the time, or projects to take home all the time. For instance, in electrical engineering or in other scientific courses, they are told to work with one another in groups of three or four, and this happens routinely. The problem is that it is turned on and turned off with a little confusion. I might say, to the cadets because they've gotten into the habit of working with one another.

But I thing the fundamental point is that the temptation is always going to be there whether you change the honor code or not and you should provide for as much honor as possible.

Senator CULVER. You're not suggesting that on the basis of your investigation, that there was an ambiguity in instructions given to the cadets as to what the particular ground rules were on this test?

Mr. DOWNEY. I don't really know that. I'm speculating as to the testimony that we've heard concerning other exams where they're actually instructed to work with one another and this might have been a problem in delineating that. It clearly wasn't. From the instructions they realized that there was to be no cooperation.

But to say for instance that this take-home exam was unique would be wrong, but to also say that they might have some problems with it because it doesn't wash with prior behavior would also be a problem, because they are asked to collaborate frequently.

Senator CULVER. Now you mentioned that this cheating, in your judgment, based on the evidence that you have been able to obtain, was very likely far more pervasive than the numbers that are currently involved here, 173, and perhaps more out of a class of 820 or so.

What do you suggest that the responsibility of the Academy is here in terms of getting at the bottom of how widely flaunted the honor code is?

Do you think there should be the initiation of a systematic search in the first year, second year, or fourth year exams, for patterns? It should be reviewed. It is important to know, isn't it, how completely bankrupt the present practices are if we're going to start over?

Mr. DOWNEY. I would think that one of the questions that the committee might want to pose for itself is whether or not you'd want to interview some of the class of 1977 or 1978 and grant them testimonial immunity and get them to come forward and tell you, either in a secret session or open session, where they have an immunity to tell you exactly how pervasive cheating is so that you hear from them firsthand.

So I would suggest that to you, Senator, and suggest it to the subcommittee chairman.

Senator CULVER. This isn't intended by way of aggravating the obvious discomfiture of the Academy, and maybe there are other ways to do it, but I think that the obvious thing is to have a better system, a more effective system. We do have to know the extent of the problem.

Mr. DOWNEY. I don't want to pontificate. I'm far too young to do that. But if we decide that we're not going to pursue the truth as zealously as possible, we've got some real problems as a Congress, as an Army institution. I think that you could do that for your own edification behind closed doors from the cadets without even creating any more problems for the Academy than they already have and ascertain the truth, but I suggest it to you as strongly as possible because it's the only way to really get to the bottom of it.

Senator NUNN. It's possible that could be handled on an informal basis at the Academy itself with a series of interviews, much like you did, rather than in a formal atmosphere.

Mr. DOWNEY. I would suggest, Senator, that if it is done at the Academy, that the subcommittee go to the Academy and do it themselves.

Senator NUNN. You found the cadets to be rather frank with you when you talked with them?

Mr. DOWNEY. I found the cadets at this Academy to be the frankest, most sincere group of individuals I've ever run across, and they will tell you the truth because to that extent the honor code has worked. I mean they want to tell the truth, they're almost, you can see it, welling within them, wanting to come forward and say, I've done something wrong. I want the system to be good.

Senator NUNN. What you're saying is you think the situation is ripe for people to purge their consciences if there was incentive to do so, and some degree of protection?

Mr. DOWNEY. If there ever was a time, Senator, this is it.

Senator NUNN. Senator Leahy?

Senator LEAHY. Thank you.

I have read through your whole statement, Congressman Downey. I commend you on it. I think it's very, very good. I think it points out one of the unfortunate things about the schedule we all follow here; that we forget in our congressional duties that it's sometimes very good to get right down to the place involved and talk to the people involved.

As a former prosecutor, I always comment that it's most helpful and I think you ought to be commended for doing just that. I like the suggestion you made to Senator Nunn about the fact that we ought to have the committee get right out there and talk to the individuals.

I'm just curious on one thing. In your discussion with the students there is an enormous emphasis on the honor code at West Point, a totally inflexible one, one that sets up a standard that is beyond reach; did anyone ever bring up the obvious dichotomy between that behavior and the behavior of some of those graduates once they become military officers, as in such things as My Lai, such things as the alteration of body counts during Vietnam, and some of the things that came out during hearings of this Congress in the past couple of years, the scandals within the military, scandals involving kickbacks, bribes, and so on—did any of them raise the point that perhaps there might be a double standard around here?

Mr. DOWNEY. Senator, it's interesting you mentioned that. Of course that was one of the things that Fred and I discussed at some length, for instance, with General Berry and General Ulmer.

Senator LEAHY. Did the students think that this was any excuse or did they just point this out as kind of a——

Mr. DOWNEY. Interestingly enough, discussing this situation with all of the cadets, and I mean this as sincerely as I say it, that they don't offer excuses. That's one of the very interesting things about both the individuals involved, or not involved. They don't talk about excuses. They talk about right and wrong, what they've done right and wrong. But this was discussed at some length with a number of them about the body counts of My Lai, and in fact you will find that it was General Koster who is an Academy graduate, as was one of the colonels, and they talk about this, but they don't offer that as an excuse for what they have done and never did.

Senator **Leahy**. I'm proud of that in that regard because obviously it would not be an excuse for them in their own situation but it is certainly disquieting to me, as a member of the Armed Services Committee, to see these two sets of standards; in other words, the unbelievably rigid situation at West Point and the subsequent examples I mentioned. And I think you point out the problem with that rigidity in your own testimony when you speak, for example, in terms of how to spell a word and the consequences of going to a pizza parlor and so forth.

Mr. Chairman, I'm glad to have a chance to be here. I'm glad to have read Congressman Downey's statement. I have no further questions.

Senator **Nunn**. Thank you, Congressman Downey, for being here and we appreciate your being here.

Mr. **Downey**. I would just like to thank you.

Senator **Nunn**. Our next witness is Rear Admiral McKee, Superintendent of the U.S. Navay Academy.

I believe that Admiral McKee is accompanied by Lieutenant Colonel Robillard of the U.S. Marine Corps, who is officer representative to the brigade honor committee.

Admiral McKee, why don't you proceed with your statement this morning?

STATEMENT OF REAR ADM. KINNAIRD R. McKEE, U.S. NAVY, SUPERINTENDENT, U.S. NAVAL ACADEMY, ACCOMPANIED BY LT. COL. GEORGE ROBILLARD, U.S. MARINE CORPS, OFFICER REPRESENTATIVE TO THE BRIGADE HONOR COMMITTEE

Admiral **McKee**. Mr. Chairman, I am pleased to have this opportunity to discuss the operation of the honor concept of the brigade of midshipmen, and its relationship to the overall fulfillment of our mission.

We've already introduced Lieutenant Colonel Robillard.

The Naval Academy's program of education is designed to provide commissioned officers for the line of the Navy and Marine Corps. An essential element of this process is the development of a deep-seated sense of professionalism. The keystone is self-discipline and total commitment to high standards of honor, duty and responsibility. Unflinching honesty and forthrightness are essential elements of this commitment. Vital to the development of these characteristics is a realistic but demanding military environment in which rigorous standards of conduct are required of all midshipmen.

The Naval Academy has always required high standards of integrity of its midshipmen. Until 1951 honor standards were specifically included in midshipmen regulations, and violations were processed as serious conduct offenses; and, as a matter of fact, they still are, as I will show later.

The present, formalized concept originated in September 1951 when the first directive was issued describing the class honor committees. Since then the concept has undergone periodic refinement, largely to provide due process in the investigative procedures.

The authority for me to establish and maintain standards of conduct and to deal with infractions of these standards is derived from title 10, United States Code. Certain serious offenses under the Naval Academy's administrative conduct system may lead to discharge. These infractions include those covered by the honor concept which establishes the principle that a midshipman shall not lie, cheat, or steal.

A midshipman, instructor, or staff officer who believes he has evidence that a member of the brigade has violated the honor concept has two principal courses of action: He may report his evidence to the brigade honor committee; or second, discuss the incident with the suspected offender, then take one of the following actions: He can report the offender; he can caution and counsel the offender without referral to the honor committee; or he may drop the entire matter if it appears certain, after his discussion with the individual, that no violation has occurred. The responsibility for selecting the proper principal course of action rests with the individual who observed the possible violation. He must take one of these actions. He does not have the option to do nothing.

Alleged infractions of the honor concept are investigated by members of the brigade honor committee, and the facts are presented to a board, composed of other midshipmen members of the honor committee, which acts as a factfinding body for the commandant of midshipmen.

Senator NUNN. May I ask you one question there, Admiral?

You have three choices which is a tremendous difference between the West Point system and this is where we want to zero in. (A) You can report the offender—that's the only choice you have at West Point. (B) If you see an offense—this is your testimony—you can caution and counsel the offender without referral to the honor committee. That, of course, is the most significant departure.

Now on that one, let me ask you a question. Let's assume that you see this same offender two times. The first time you caution and you don't refer him to the honor committee. Let's suppose you see him again 2 weeks later committing the same offense. What then is your duty? Is B still an option?

Admiral MCKEE. He still has the same option. Again, it's a matter of individual responsibility of the midshipman who observes the infraction. I would suspect that the second time around, my own inclination in that position would be to say I gave you your chance last time, Charley. You're on report.

Senator NUNN. Theoretically, though, there would be no violation of the Annapolis honor system if a midshipman saw another one committing the same offense a hundred times. He could theoretically caution him each time and counsel with him without reporting him to the honor committee?

Admiral MCKEE. That's correct.

Senator BARTLETT. Would the Senator yield?

On this same question, then, 100 different midshipmen could have observed a violation of this one midshipman and decided not to report him on 100 occasions and he would have been a rather prolific cheater and the system would have failed in my mind.

Admiral MCKEE. That's right.

Senator BARTLETT. Is there anything in this system to guard against this? Any protection of that?

Admiral McKee. You have to understand and I will come back to this in my statement in a minute that the administrative conduct system, Senator Bartlett, of which this is a part, is our effort to create a realistic military environment. The basic sense of integrity I referred to is one that has to grow under the right conditions. An honor system is not going to do it by itself. An administrative kind of system is not going to do it by itself. It has to be a matter of precept and example, it has to be the thing that one does at the Naval Academy—to develop a sense of integrity. If we do that correctly, then the hypothetical 100 times should not happen. But you are right. If we fail to do that, certainly it can be violated, just as in a more rigid code you could have 100 people see a violation and not take any action.

Senator Nunn. What you're saying is, as I understand it, there would not be a theoretical violation under that hypothetical example. But you're saying the system itself would have failed to instill in that particular midshipman, who observed this a hundred times, the proper sense of duty and honor if he did observe it that many times and failed to report it.

Admiral McKee. I think that's true and I think I would be ill-advised to say that we are 100 percent successful. The system doesn't take on 100 percent of the people, just as any system doesn't take on 100 percent of the people.

Senator Leahy. If the Senator would yield.

The testimony so far here would indicate that the most rigid system has not had that same kind of success rate, as a matter of fact.

Admiral McKee. I'm not prepared to comment on the other system.

Senator Leahy. I understand. I was making it more as a comment than a question to you.

Senator Bartlett. If the chairman would yield.

If the midshipman took option B and he cautioned and counseled the offender but didn't refer it to the honor committee, could he also report the fact?

Admiral McKee. No, that's the same word. If he cautions and counsels, and this has happened. In one instance of a violation, the individual who discovered it counseled for 45 minutes and just didn't get through to the guy. In fact, he found that the more he talked to the gentleman, the more he was digging himself a hole on the instance that attracted his attention in the first place. He saw the counseling wasn't taking so he went ahead and reported the violation.

Senator Bartlett. But could the person report it and also counsel without actually referring it to the honor committee?

Admiral McKee. Report and refer have to be used as the same word. I've kind of lost track of where I was.

Senator Nunn. Admiral, why don't you start back at the bottom of page 2. I think you were on the top of page 3 but I think you could repeat that last paragraph with alleged infractions.

Admiral McKee. Alleged infractions of the honor concept are investigated by members of the brigade honor committee; and the facts are presented to a board, composed of other members of the honor committee, which acts as a fact-finding body for the commandant of midshipmen. Their findings and recommendations are reported to the commandant for his use in hearing each case. And he does in fact hear each case. The brigade honor committee does not have authority to impose any kind of punishment or censure. At no stage in the proceedings are findings or recommendations publicly announced except that the midshipman concerned is informed of all investigative findings. The commandant reviews the investigation and all other facts pertaining to it, then holds a hearing with the midshipman alleged to have committed a violation. After that hearing, he may terminate the proceedings, direct further investigation by the honor committee, or forward the case to me with his recommendation.

When a case is forwarded to me I review the entire investigation, including the commandant's hearing. If I agree that the accused has committed the alleged violation, I will normally recommend to the Secretary of the Navy that the accused midshipmen be discharged.

I may also afford him an opportunity to resign in lieu of discharge and in fact, Senator Nunn, this is our standard practice for misconduct, discharges under article 6962, title 10. We do give them an opportunity to submit what we call a qualified resignation; however, the Secretary of the Navy is the final authority in each case. That is, if I send forward a recommendation for his discharge, the Secretary of the Navy has to approve that. If he resigns, the Secretary of the Navy has to accept his resignation.

So in either case, that level of review remains intact. Throughout these proceedings, the accused individual has the assistance of a midshipman adviser of his choice. The adviser is a member of the honor committee with a thorough knowledge of the honor concept.

Senator NUNN. May I ask you one question?

I'm trying to distinguish between this and West Point procedures. The only thing I see different here in this procedure is—it may be just an omission—you do not make reference to the brigade honor committee's option of dismissing the charges.

Is that an option?

Admiral McKEE. That's right. If it finds no violation has occurred, the brigade honor committee will dismiss the charges and the record will be destroyed and no further mention will be made of it.

Senator NUNN. Without coming to you?

Admiral McKEE. That's right, without even going to the commandant.

Senator NUNN. That's the same procedure West Point has at that point.

Admiral McKEE. However, you should be aware that Colonel Robillard reviews not guilty as well as guilty cases to make sure the technical aspects of this system function as they should.

Senator NUNN. They do have that option?

Admiral McKEE. That's right.

All right, to get back to talking about the adviser to the midshipman who may be charged. That adviser is responsible for assisting the accused midshipman in the preparation and presentation of his case. The accused may also retain the assistance of counsel if he so chooses.

However, only his midshipman adviser can be present during formal proceedings of the honor board. As you well know, there are differences between our honor concept and the honor codes of the other two academies. The most significant of these is the absence of the nontoleration clause in our concept. We believe that the alternatives that I've described earlier constitute a strength and foster the development of durable principles of personal integrity by requiring the individual midshpman to come to grips with moral issues himself rather than to be forced to rigid adherence by a code which gives him no latitude.

What I mean by that is that in some cases a not very thoughtful individual will take what amounts to the easy way out. You're on report, friend. I can't help it. It's the way the system works. I-wouldn't-do-this-if-I-didn't-have-to kind of thing.

That's not a very good principle of leadership, and we do everything we can to keep that from growing among our midshipmen. The point is he must take the initiative himself.

He has failed in his responsibility to the brigade if he does not pursue one of the options I described previously.

The honor concept is more than an adminstrative device for dealing with certain conduct violations. It is an important element of leadership training within the brigade.

As I mentioned earler, we're trying to create a realistic military environment in which to raise and train our midshipmen; and the honor concept and its functioning must contribute to that training, not merely be a punitive device. Within each of the 36 companies in the brigade each class has its elected honor committee representative who is responsible for a continuing program of familiarization in the concept, answering questions on the concept and soliciting and forwarding suggestions for the improvement of the concept from his classmates, and that sort of thing.

It is not the Academy's intention to foster among the brigade the assumption that honorable conduct is behavior strictly associated with the Naval Academy.

The honor concept is intended to be an integral part of the professionalism expected of graduates throughout their careers.

And that's the end of my prepared statement, Senator.

Senator NUNN. Colonel, do you want to make any kind of preliminary statement?

Colonel ROBILLARD. No, sir, I have no statement.

Senator NUNN. Admiral McKee, in your opening statement you make it clear that the honor concept was divorced from Midshipmen Regulations in 1951.

Admiral MCKEE. No, sir, that's not quite correct.

Of course I wasn't in this position in those days, but the offenses were included in the conduct system. They were not handled by an honor committee.

What happened in 1951 was the mechanics of the present investigative routine using the honor committee and the education and so forth were formalized. It's substantially intact today. It's been upgraded and reviewed and changed somewhat, but these changes have been primarily a consolidation of what they've learned at the Naval Acadamy.

Senator NUNN. Is it fair to say that at this point in time the regulations and the honor system are two separate matters?

Admiral MCKEE. No, sir. As I said before, I operate an administrative conduct system, under my authority in title 10, United States Code. Three of the offenses under the administrative conduct system are lying, cheating, and stealing. Other serious offenses that could lead to dismissal include the deliberate disobedience of orders, hazing, and that kind of thing.

The difference where the honor concept is concerned is the investigative procedures when an individual is charged with those honor concept violations.

In fact, my administrative conduct instruction lists those offenses and then says these are processed in accordance with a separate instruction, which is the honor concept instruction.

For some time, I believe, that direct linkage to title 10 United States Code did not exist but I thought that it must. I didn't see how I could recommend a midshipman for dismissal for misconduct unless it was tied to the statute that gives me the authority to do so, and I didn't see any way that the Secretary could act on that recommendation again unless he was operating under the congressional statute that gives me authority to operate an administrative conduct system.

Senator NUNN. I'm still not sure I'm clear on this point. Are you saying that regulations and the honor system then are all part of one package?

Admiral MCKEE. I'm saying that the offenses that the honor system encompasses are listed with all other offenses under the administrative conduct system. That is an instruction signed by me that lists the things a midshipment will not do.

The process for handling those three offenses is in a separate instruction, also signed by me.

So in fact it all comes under the same authority, and it's simply a separate way of handling offenses that are included in the overall administrative findings. I could show you that. I'm not sure I brought it.

Senator NUNN. Well, you'd handle them separately then?

Admiral MCKEE. Yes, sir.

Senator NUNN. Do you have anything similar to the blending together that they have at West Point of the regulations and the honor system?

In other words, are midshipmen asked the question frequently is everything all right, meaning are all regulations being complied with?

Admiral MCKEE. No; we don't do that. It is prohibited by part of the honor regulation. The administrative conduct system is an element of my regulations at the Naval Academy. The administrative conduct system constitutes part of my regulations by which we operate. To trace the lineage back, I don't want to get into this too far, the Constitution calls on the Congress to prescribe the regulations by which the naval forces will be administered, and the Congress, under title 10, United States Code, gives me the authority to prescribe my regulations. The honor offenses are included in those regulations.

When a midshipman takes the oath of office, he takes an oath to comply with the orders of the officer appointed over him and with the regulations of the institution, and he signs that. Are we using the honor concept to say to an individual, "are you breaking any regulations," and if he says "no," then that's an honor violation?

No, we don't do that. We specifically prohibit that. We call that using one's honor against him. However, if I say to him, did you—I had evidence that he went over in the yard last night or perhaps went UA (unauthorized absence)—go ashore when you should not have last night, did you take unauthorized liberty, and he says, "no," then that becomes a violation.

Is that clear?

Senator NUNN. I think it is.

In other words, what you're saying is, if a specific question is posed to a midshipman as to whether he has violated a specific regulation and he lies in answer to that question, he has then violated the honor system and he has converted the violation of a regulation to a violation of the honor system.

Admiral MCKEE. That's right. We don't consider it to be appropriate, for example, to just stop Midshipman Robillard in the middle of the yard and say, have you violated any regulation today, and then later on somebody says, yeah, I think I saw him do something and then get him on an honor offense.

Senator NUNN. In other words, if you ask him a big sweeping question such as, midshipman, have you violated any regulations today, and he answered no, and later on you found out he didn't shine his shoes. If that was a regulation, then he would not have violated the honor system.

But if you ask him, midshipman, did you shine your shoes today and he said, yes, I did, and you found out he didn't, then that would be a violation.

Admiral MCKEE. That's right. That's one that might be handled under the counseling option, however.

Senator NUNN. On this nontoleration, this is the key provision of the West Point honor code and as a matter of fact, it's the key provision of many other honor codes. You don't have that nontoleration clause at Annapolis.

Could you tell us why it is that you don't have that nontoleration clause, in your opinion?

Admiral MCKEE. Well, I think I'd rather talk about the strengths of ours because I'd prefer not to get into trying to comment on how the other folk do their business.

Senator NUNN. I'm not asking you about the West Point nontoleration clause. I'm asking you about any nontoleration clause.

There has to be a reason why you don't have that at Annapolis. I could just as well say why is the nontoleration clause of a private school not used at Annapolis?

Admiral MCKEE. First of all, we have courses of action that a midshipman or anybody who observes an offense must take. He does not have the option to ignore it.

Now that's not to say that somebody may not ignore it just like they might whether there were a nontoleration clause or not.

The point is he's not free to ignore it. He has a mandate to act. The difference is that he has more than one course of action.

Now why is that? I think it gets back to what I told you earlier about the business of trying to develop a realistic military environment in which to raise these midshipmen, one in which everything we do has a training, as well as a punitive, value.

We do not see that only a single option to turn a man in or not to turn a man in has any real value in terms of raising one to accept personal responsibility for his action.

In fact, and there are all sorts of ways to look at it. I choose to look at our system as putting an even greater load on an individual for the reasons I cited earlier.

If this guy hapepns to be somebody you really don't know and you don't like very well, it's pretty easy to say, "Well I see the rules are there. I've got to put you on report." Our rule isn't written that way. It says you've got to decide what the best course of action is, to counsel, report, or whatever.

That means even if it's a guy you don't like very well, you've got to divorce everything you know about him except the individual elements of the violation you're working with, and decide what to do.

If we do that right—if these young men do that right—they'll grow in the process, and we will still have an appropriate punitive element for the people who do not elect to follow the regulations.

Senator NUNN. I want to pursue that further in just a moment but I have to go and vote at this time. We will take a brief recess, until one of the Senators gets back, at which time he will begin asking questions.

[A brief recess was taken.]

Senator BARTLETT. Admiral McKee, in your opinion is the honor system working at the Naval Academy?

Admiral MCKEE. Yes, sir, I think it works at the Naval Academy. Certainly, as I said before, it is a contributor in the business of building a sense of basic integrity. And, that building process does go forward to completion when everybody graduates. I don't think I could say it's 100 percent effective, but we like to think it works pretty well.

Senator BARTLETT. What kind of indoctrination to the honor code and the honor system do you have with the midshipmen and the officers of the Academy?

Admiral MCKEE. To speak first about the midshipmen it is included in the syllabus of the incoming class. They are addressed by me on the overall broad subject of our business. What are we trying to do? We are trying to produce leaders for the Navy and Marine Corps. I tell them what the elements of that are and how we get at them. One of them is integrity. That introduces it, and then the Commandant goes on with a little more detailed instruction.

Then there are specific classroom instruction periods. That is followed by an examination for each midshipman. If he does not pass that indicates that he does not understand——

Senator BARTLETT. Specifically on the honor system?

Admiral MCKEE. Yes, sir. Another thing we do during the summer is that——

Senator BARTLETT. At that point, is there any request made of the midshipman as to whether or not he commits himself to that honor system?

Admiral MCKEE. I think you were out of the room when I remarked that one difference between our system and the others is that my system is incorporated in my regulations and a midshipman takes the oath of office which says he will obey the orders of the officer appointed over him and will obey the regulations of the Institution. He not only recites, but he signs that. And, this is included in that.

So, in fact, he has signed a commitment to obey the regulations before he starts into the training syllabus.

But, let me add one more thing about the training period. We consider the summer training as a period of indoctrination and for that reason my instructions specify that we will exercise only the counseling option for fourth class midshipmen during that 2-month period of indoctrination.

Because, examinations or not, no matter how effectively we may think we do our individual instruction, it is not going to get through to all those people. They are going to have to live with it awhile and begin to understand what we mean by telling the truth and not telling the truth.

And, then at the end of that 2-month period we go under the full honor concept that I have described earlier with all of the options.

Senator BARTLETT. They would all be aware that there is a difference in the first 2 months of summer work as far as the honor system is concerned, that that is a period of indoctrination, they are supposed to adhere to it but there is a little more tolerance at that point than there would be later on?

Admiral MCKEE. That is correct.

Senator BARTLETT. At the time that they sign this commission as a midshipman, is it called?

Admiral MCKEE. An oath of office.

Senator BARTLETT. Oath of office as a midshipman—they would very definitely understand that they are signing, also, a commitment on the honor system?

Admiral MCKEE. Yes, sir, that is true.

Included in the catalog is a short paragraph, and I might just give you a couple of words out of that to sort of set the stage.

Before you even think about coming to the Academy, you have to understand that—"the Brigade of Midshipmen"—this is not all of it, but just excerpts—"the Brigade of Midshipmen lives under an honor concept. This concept contributes to the accomplishment of the mission of the Academy by providing the precepts which aid midshipmen cultivating high standards of honor and personal integrity."

And, then it goes on to tell how it works, the general principles to live by, so forth and so on. They are expected to live by those principles when they come.

So, in effect that is the regulation and that is what they learn to live under.

Senator BARTLETT. Would you place that in the record?

Admiral MCKEE. Senator Bartlett, I will submit for the record a paragraph from page 37 of the Naval Academy Catalog for 1976–77.

[The information follows:]

THE HONOR CONCEPT

Personal integrity is essential to every naval officer. Hence, an important part of the mission of the Naval Academy is to develop midshipmen morally and to imbue them with high ideals of honor. The Brigade of Midshipmen lives under an Honor Concept. This concept contributes to the accomplishment of the mission of the Academy by providing the precepts which aid midshipmen in cultivating the highest standards of honor and personal integrity. The Honor Concept is based upon a universal principle than an individual does not lie, cheat or steal. Unswerving fidelity to this principle is required of all midshipmen in everything that

they do. By outlining generalized principles to live by, the Honor Concept seeks to instill in the midshipmen standards of integrity which will motivate them to make decisions consistent with the highest ideals of honor in every situation they encounter. The Honor Concept was established by the members of the Brigade of Midshipmen and with them lies the responsibility for its administration and enforcement to this day.

Senator BARTLETT. To get back to the midshipmen, now just what part do they play? I assume many honor systems have sort of a reminder of the honor code by requiring a pledge on each examination. Does the Naval Academy have such a pledge?

Admiral McKEE. No, sir; it does not. We do not do that.

Senator BARTLETT. But your pledge goes further than most honor systems: that is, it goes beyond the conduct on an examination; it goes into every facet of the midshipmen's life, is that correct?

Admiral McKEE. That is correct.

Senator BARTLETT. What approaches do these senior midshipmen make with the plebes so far as generating support for the honor code?

Admiral McKEE. We do not really try to single out the honor code and say, "you have got to live within the honor code," and, the administrative conduct system is something else.

A midshipman needs to learn how to live in a regulated military society. And, that is our business to teach him that; to teach him why we do it.

That leaves a pretty serious responsibility on me, because I am continually playing the balance between discipline and harassment, what is really an element of discipline, and what constitutes harassment.

If I do my job right, then our conduct code sets the basis for developing a sense of personal discipline over the 4 years. By that I mean the specific requirements on a midshipman gradually diminish over time; he has more individual latitude as he demonstrates more individual ability to exercise that latitude.

Senator BARTLETT. So, you and the other officers engender an understanding on the part of all the incoming youngsters to live within the code, to appreciate the value of it?

Admiral McKEE. That is right. And, as I said before, it is part and, parcel of the business that they have elected for themselves—and that is getting into the military service.

Senator BARTLETT. What do the midshipmen do so far an engendering support for the honor code?

Admiral McKEE. Well, the principal thing they do, first of all, they basically run the system. There is no way I could just write some regulations and stand back and have it happen. The midshipmen have to have a stake in it. And, it has to be well known throughout the brigade that they do have a stake in it and contribute to its successful operation.

Of course, the biggest thing is that the midshipmen, in general, live by the honor concept. That is what makes it work. If they do not, then it would rapidly decay.

Senator BARTLETT. Are there opportunities for the midshipmen, in their final year where they are assuming more responsibility on the honor committee and where they are assuming more responsibility in all activities to instill in the plebes a desire to support the honor system and to live within it?

I assume that they try to convey that this is a very workable system, that it is certainly much better than having a proctorial kind of system in class, or somebody looking over your shoulder all the time. I assume also, that there are times when the instructors are not present and the exams are given out and that the system depends on the willingness of other midshipmen to report violations. Is that correct?

Admiral McKee. Yes sir, to take action.

Senator Bartlett. But, is there an actual effort made by the midshipmen to instill this desire in the plebes' conduct?

Admiral McKee. Yes sir. Again, during the plebes' summer each of the first class squad leaders—that is the man whom about 10 plebes will report to—each 10 plebes will report to a squad leader. Each of the members of the detail conducting the indoctrination of those plebes during plebe summer spends a great deal of time explaining this within the context of the overall military environment.

Each class has representatives on the honor committee—including at the beginning of the academic year the fourth classmen.

They contribute to the operation of the honor committee and to the statutes under which it operates. The upper class, the first class carry that responsibility through the year. And, they are required to do all of the investigation, not all of it, but most of the investigation, and most of the management.

Again, in the case of a plebe there are other special steps we take because we feel that those guys are a little vulnerable. They have not lived under this system very long. So, we want to make sure that they do not succumb to that vulnerability.

We also want to make sure that we do our proper job of educating them, and, so take a couple of special precautions.

For example, the vice chairman of the honor committee, which is the No. 2 first classman in the brigade, sits in and acts as an adviser on all the investigating boards conducted by fourth classmen; that is, investigating boards which deal with a possible offense by a fourth classman.

The investigative officer for a fourth class offense must be a first or second classman, a senior guy with a lot of experience.

When the accused is a plebe, we generally—and, he can pick the adviser of his choice—but, we generally try to make sure it is the most experienced guy he can get, a first or second classman.

And, finally, as I mentioned earlier, we only exercise counseling options during plebe summer. So, we are making every effort to protect them while they are learning, but also give them opportunities to learn.

Senator Bartlett. Do you find that most of the plebes come from an environment in which they are accustomed not to report those who are cheating even though they may adopt a code of not giving or receiving assistance, or do you find that they would readily accept that responsibility, or is that something that you must instill in them that is essential to the working of the system?

Admiral McKee. As you know, Senator Bartlett, our midshipmen come from the full range of families, all sorts of backgrounds.

I would rather speak a little bit about the plain sense of family discipline, and that range is pretty wide. Some come from highly disciplined families; some come from families that are not very highly disciplined.

We do not ask that specific question. We assume that when they come here—and that is what we tell them—that they are prepared, regardless of the family background or area they have come from, or habits before, that they are ready to live within the military environment that we have prescribed.

It is my perception that it is not a question of unwillingness when we have a difficulty, particularly among the younger midshipmen. It is a case of not having done our job well in educating them.

In other words, it is not usually a willful intent to disregard the system, we just have not gotten the point across to that young man, and will take steps to do that.

Senator BARTLETT. Is that one of the main points you strive to put over, the importance of reporting a violation?

Admiral McKEE. We strive to—the main point is that he has an obligation, under the honor concept, to take one of the courses of action we have prescribed. That is the point.

Senator BARTLETT. Reporting or counseling?

Admiral McKEE. Yes, sir, or drop it if nothing has happened.

Senator BARTLETT. Admiral, thank you very much.

Senator NUNN. Let me ask the Colonel this question. When was the last case you had where a midshipman failed to exercise either A, B, or C as an option and was therefore cited for an honor violation?

Colonel ROBILLARD. Mr. Chairman, if a midshipman does not exercise one of the options, he is not guilty of an honor violation under our concept.

He could be considered to be guilty of a violation of the regulations.

However, since we do not require the midshipmen to report to either their honor representative in their company or the honor chairman—that they have counseled the midshipmen—we have no way of knowing whether they have or have not. We don't keep statistics on that.

Senator NUNN. In other words, you are saying you either have A, B, or C as an option and you have said several times you must do one of those three; but now you are saying if you don't do any of those three you still haven't committeed any honor violation?

Colonel ROBILLARD. That is correct, sir. We have not said that he is guilty of an honor violation. However, as I mentioned, he could be considered to be guilty of a violation of a Naval Academy regulation.

Senator NUNN. Do you have any idea then whether—you have no way of knowing whether there is cheating going on, do you?

Colonel ROBILLARD. I think we do, sir. I think that first of all we have 144 company honor representatives throughout the brigade, and these young men are right at the grassroots of the brigade, and they know what's going on. They've been elected by their classmates. Most of them represent, certainly, men that are held in high esteem by their classmates, so I can feel that if they are aware that cheating was going on they would take some action as prescribed under the honor concept.

Senator NUNN. But if they don't, they haven't committed any violation?

Colonel ROBILLARD. Not of the honor concept, no, sir.

Senator NUNN. What have they violated?

Colonel ROBILLARD. They have violated a regulation, which is a Naval Academy regulation, to act if they are aware of the fact that something has happened.

Senator NUNN. When was the last time you had somebody violate a regulation by not taking action?

Colonel ROBILLARD. In the year that I have been officer representative we have not had any.

Senator NUNN. Do you know about any that happened before that?

Colonel ROBILLARD. No, sir, I do not.

Senator NUNN. Do you, Admiral?

Admiral MCKEE. No, sir. I have been there a year. We haven't seen that.

Senator NUNN. Could you supply for the record, for say the last 5 years, any violations of the regulations for the failure to take any action, A, B, or C?

Admiral MCKEE. Yes, sir, we'll do that.

[The information follows:]

Mr. Chairman, specific records are not maintained on this particular violation. A careful review of the material available to us revealed that in the past five years four midshipmen have been charged with failing to take action as prescribed in the Honor Concept.

Senator NUNN. Could you also supply your honor violations that have occurred in the last 5 years and what action was taken in each case?

Admiral MCKEE. Yes, sir, we could do that. Of course without names and very briefly.

Senator NUNN. I assume where some action was taken there would be no reluctance to name names, would there?

Admiral MCKEE. An important element of our procedure is we do not name names It's very easy for something like this, I think, if you are not careful, to create an environment where you could decide that some elements of kangaroo court exist. It's not a good thing for the brigade to know by name that another of their members is under honor proceedings or that he left for an honor offense. We don't feel that that serves any purpose.

Senator NUNN. Why don't you furnish us the statistics then without the names?

Admiral MCKEE. Yes, sir, we will do that.

[The information follows:]

Mr. Chairman, the statistics that you requested are presented in the following table:

HONOR VIOLATIONS

	Academic year —				
	1971-72	1972-73	1973-74	1974-75	1975-76
Total violations	29	15	44	32	29
Placed on probation	7	5	21	10	8
Separated	22	10	23	22	16
Voluntary resignation	0	0	0	0	1
Academic separation	0	0	0	0	4
Pending	0	0	0	0	1

Senator NUNN. Colonel Robillard, you've been there 1 year?

Colonel ROBILLARD. I have been there 2 years, but only 1 as officer representative to the Honor Committee.

Senator **Nunn**. Speaking for your 2 years there, what was the last time that a violation was reported?

Colonel **Robillard**. The last time would be just at the end of the academic year, sir, either just prior to or at the beginning of June.

Senator **Nunn**. During this year in June? Was that against one midshipman?

Colonel **Robillard**. Yes; it was.

Senator **Nunn**. Would you give us, or do you have the figures about how many violations have been committed in the last year?

Colonel **Robillard**. Yes, sir. We had 97 cases which were reported to the Brigade Honor Chairman.

Senator **Nunn**. Ninety-seven cases during the academic year?

Colonel **Robillard**. That would be from the end of the last academic year to the end of the academic year this year, which was graduation June 2.

Senator **Nunn**. Does that include the summer?

Colonel **Robillard**. Yes, sir.

Senator **Nunn**. So that will be the full 12-month period?

Colonel **Robillard**. Yes, sir.

Senator **Nunn**. Ninety-seven violations?

They were reported to the Honor Committee Chairman?

Colonel **Robillard**. Yes, sir.

Senator **Nunn**. What number of those were found guilty with action taken?

Colonel **Robillard**. Twenty-nine, sir.

Senator **Nunn**. At what level were they found guilty; by the Superintendent?

Colonel **Robillard**. No, sir, the determination of guilty or not guilty is made by the Brigade Honor Board, in its hearing, in their fact-finding hearing; and they make a finding and send it forward to the commandant and to the Superintendent for review.

Senator **Nunn**. I was under the impression that that was more an indictment rather than a finding of guilty. I was equating the honor board to an indictment by a grand jury rather than a finding. Am I erroneous in that?

Colonel **Robillard**. I say, sir, they investigate the—at honor board hearing the facts of the case are presented to them and they make a determination in their mind of guilt or innocence, guilty or not guilty, and then they send the case forward. If they say that their finding is guilty, then the case goes forward to the commandant. If their finding is not guilty, the case only goes to myself, for review and then it is destroyed.

Senator **Nunn**. All right, so you say there are—how many allegations were there all together?

Colonel **Robillard**. Ninety-seven.

Senator **Nunn**. Ninety-seven. And, of the 97, how many of them were found guilty by the Midshipman Honor Committee?

Colonel **Robillard**. Let me check my numbers there, sir, and make sure I have them correct. Cases found guilty, sir, was 29.

Senator **Nunn**. Twenty-nine out of the 97 and the others were dismissed by the Honor Committee?

Colonel **Robillard**. They were found—no, sir, let me go through the sequence for you. When a case is turned into the Honor Committee

Chairman, he reviews the case right there and he can make a determination as to whether the case should go forward and be investigated and go to a Class Board. If a case has no merit, the Honor Committee Chairman has the authority, under the concept, to terminate it there.

If he considers the case warrants further investigation and an honor offense did take place, he then forwards it to his Vice-Chairman and appoints an investigating officer, who is a midshipman; and the investigating officer, upon the completion of his investigation, presents the case to a Class Investigating Board. The Board makes a determination as to their feeling yes, an offense possibly happened; or no, an offense did not. They give a recommendation to the Honor Chairman to either terminate the case or forward it to be heard by the Brigade Honor Committee.

So only those cases that actually go to the Brigade Honor Committee are determined to be either guilty or not guilty.

Senator NUNN. Those are the 97 you are talking about?

Colonel ROBILLARD. No, sir, I am talking about the 97—we had 97 turned into the Honor Chairman. The Honor Committee Chairman terminated 22. He forwarded 75 for investigation. Of those cases, 12 were terminated on the recommendation of the Class Investigating Board and 60 cases were heard by the Brigade Honor Board.

Senator NUNN. All right, of those 60 cases that were heard by the Brigade Honor Board, how many of those were found guilty by the Board?

Colonel ROBILLARD. Twenty-nine.

Senator NUNN. Thirty-one would have been dismissed at that level?

Colonel ROBILLARD. Yes, sir, 31.

Senator NUNN. Of those 29, what were the nature of those violations? By that, I mean do you have a breakdown of how many of the 29 were found guilty of cheating, how many of lying and how many of stealing, or some other offense?

Colonel ROBILLARD. Yes, sir. I don't have it for the total of 29, sir, but I can provide that for you, sir.

[The information follows:]

Mr. Chairman, the following table provides the information that you requested:

Total number found guilty by the brigade honor board	29
Found guilty of lying	15
Found guilty of cheating	10
Found guilty of stealing	3
Found guilty of lying and cheating	1

Senator NUNN. Can you give us some rough idea? Would most of them have been cheating offenses?

Colonel ROBILLARD. No, sir; cheating and lying appear to run pretty close together in the breakdown.

Senator NUNN. How about stealing? Is that part of it?

Colonel ROBILLARD. Yes, sir, it is part of it, but we have fewer stealing cases.

Senator NUNN. So that there are a few stealing cases out of the 29. The rest of them would be balanced approximately?

Colonel ROBILLARD. Approximately 50-50 between lying and cheating.

Senator NUNN. What happened to those 29? Let's trace those 29 on through. They all were referred to the Superintendent, I suppose.

Colonel **Robillard**. Yes, sir, now let me continue the track of the case for you.

Senator **Nunn**. Go ahead with those 29 cases.

Colonel **Robillard**. All right, sir. We had 29 found guilty. Fifteen of them have been separated, sir, or recommended for separation. And of those 15, all of them did submit qualified resignations when they were given that option by the Superintendent to resign.

Eight were put on probation, and that would be a combination between the commandant's action at his level, and the superintendent's action at his level, and the remaining—some of the cases, some of the midshipmen, while under investigation, or while the case was under review, I should say, were discharged by the academic board for academic failure.

Senator **Nunn**. All right; you've got 15 who were separated, and 8 put on probation. That leaves six. Were those six the ones that were discharged by academic?

Colonel **Robillard**. No, sir; three of those were discharged by the academic board; one was separated for conduct; and there is one pending at the moment; and there was one midshipman, sir, that, when his case was reviewed, it was felt that it had not been handled properly by the honor board, but he had already submitted a voluntary resignation and left under that route.

Senator **Nunn**. Let's say he submitted a voluntary resignation, but the honor board had not handled it properly, does that mean he gets a chance to come back, or what?

Admiral **McKee**. I had overturned his case, because of what I considered were procedural improprieties.

Senator **Nunn**. You had overturned it, but he still left voluntarily?

Admiral **McKee**. He left voluntarily; he had already decided to leave, anyway.

Senator **Nunn**. Did you give him the option of coming back?

Admiral **McKee**. Any midshipman who leaves the Naval Academy for any reason may—if he gains another nomination, may reapply for admission to the Naval Academy; and the academic board will review his case up to the point he left; that is, his overall performance up to the time he left, and review what he has been doing since then, and decide whether to readmit him.

This might be an academic failure, or it could be a conduct failure; it could be an honor offense.

Senator **Nunn**. Either you, Colonel, or you, Admiral, kind of walk us through the difference between probation and separation. You've got eight of these people who were found guilty and then put on probation. Now, what is your general criterion that distinguishes between probation and separation? How do you go about arriving at that crucial decision?

Admiral **McKee**. That's a tough one. Let me——

Senator **Nunn**. You could give us an example if you want to.

Admiral **McKee**. Let me give you an example. There was one case where a midshipman was placed on report for lying. It was unclear exactly as to intent. In fact it was a business of submitting a piece of paper with one story on it, having told another story to an officer. At the time he submitted the piece of paper, he attempted to call the officer and say that he had put different information on it. The officer was not available because of sickness in the family for a 24-hour period. The midshipman to whom the accused made the written report put him on report for an honor violation because he knew that there was a difference between what he had said and what he had understood had been told or agreed to with the other officer.

When I interviewed that officer I said, "don't you think this guy made every effort to tell you what he was doing and thereby really did not intend to lie." Without getting into details, what it came down to, is that this midshipman really was not all that good of a guy, had been sort of circulating on the fringes of the conduct system; not bad enough to throw out, but not one of the better performers militarily. I asked the officer concerned; I said, "Suppose this had been a brigade commander or the number one military performer of the brigade. What would you have done? Would you have done something differently?" He said yes. Well, that is wrong. When you deal with an individual offense, you deal with that offense, and you put aside what sort of military performance this individual has shown as a routine. Then, once you have dealt in isolation with that specific offense, if he is found guilty, then certainly we can consider his overall military performance in what disposition of the case is made.

But for his general performance to influence the decision as to whether he should be brought under an honor hearing or not, I did not consider appropriate. Nevertheless, the fact is he did not handle himself right. He did, in fact, commit a violation. Whether it was a regulation or an honor violation is hard to say, so I put him on probation and moved him to another company.

Now what does probation mean? Well, the terms of conduct probation are specified by the Commandant of Midshipmen generally, and they are written to suit the terms of the case.

In other words, what is his problem? How serious is it? An example of what might be done is the midshipman might be put on a 2-month term in which he is no longer accorded the privileges which go with his seniority. He is required to observe the privileges of a lower seniority. He may also accumulate demerits in the process. If he goes past a certain number of demerits during that probationary period, he has violated probation; in which case he becomes—he will again come up for discharge as a violator of his probation. What we will do then will depend on what he did. In other words, there is not a magic answer.

Senator NUNN. What about some of the 15 who have been separated? What kind of offenses were those?

Admiral MCKEE. Three of those were midshipmen who—well, I really hate to get into that in open session. I am perfectly willing to discuss it with you, but I worry about just the fact that—I will do it if you insist. I have got it right here in front of me.

Senator NUNN. I am not going to insist if you think it would violate some individual's rights in doing so. I felt you could take a——

Admiral MCKEE. Should I just take general numbers without talking about the specific case?

Senator NUNN. I will let you handle it the way you think best.

Admiral MCKEE. There were three cases of stealing. Another midshipman failed to meet a commitment and lied about his whereabouts and his reason for failing to meet that commitment. Another falsified a record. He had to meet certain physical fitness standards. He did not meet them. He simply falsified the record and turned it in. A midshipman cheated during a calculus examination. Another ordered a plebe to get into his bed so he could go over the wall on unauthorized liberty and not get caught at it, that is somebody looking in his room would think well, that midshipman is there.

Senator NUNN. Well, what category does that kind of offense fall under?

Admiral McKEE. That is intent to deceive——

Senator NUNN. It would be included in the category of lying?

Admiral McKEE. That is right.

Senator NUNN. What happened to the plebe that got into the bed?

Admiral McKEE. When they came in he stood up and said, "I am not the guy you think I am. That guy is gone."

Senator NUNN. So he said everybody has got to be somewhere. He was not found guilty then?

Admiral McKEE. No, sir.

Senator NUNN. No nontoleration offense. He immediately reported, though, what had happened?

Admiral McKEE. Yes, sir. Another individual—I could go through all of these. Another individual asked that a false muster be taken. That is, he did not want to go to a commitment he had to make so he asked the individual who was going to take the muster—that is, take a list of who was there and turn it in—if he would cover for him while he went into town. The midshipman did not do that and put him on report.

Senator NUNN. Was there any kind of group conspiracy in any of these cases? In other words, was there any coalition of people who were cheating, or lying, or stealing?

Admiral McKEE. No.

Senator NUNN. These were individual cases?

Admiral McKEE. Individual cases.

Senator NUNN. When was the last time at the Naval Academy you have had any kind of group—let's say more than several people—engaged in a degree of conspiracy in implementing one of these violations?

Admiral McKEE. There has only been one such instance that I know of in the Naval Academy's history and that was in 1974.

Senator NUNN. 1974. What was the nature of that offense?

Admiral McKEE. It involved the compromise of an examination and some midshipmen who took advantage of the compromise of the examination. And, really, that is about the extent of my knowledge because it happened before I got there. But we would be happy to provide answers to questions on that if you would like.

Senator NUNN. We would like to have that for the record.

[The information follows:]

During a review session in May 1974, a single instructor allowed several midshipmen to examine a copy of a navigation test. These midshipmen then shared this information with other classmates prior to the examination.

The compromise of the examination was discovered and reported by a midshipman just prior to the test, and after a thorough review by instructors of all examinations, a total of 61 midshipmen were referred to the honor committee for possible honor violations. Forty-one of these cases were determined not to have been guilty of cheating, and 20 midshipmen were found guilty of honor violations. Of these 20 cases, the Superintendent placed 13 on probation and recommended

7 for separation. Probation was awarded on the evidence that the midshipmen concerned carried written answers into the examination but had not used the material.

Senator NUNN. If there had been a nontoleration clause in that instance, could you give us some rough idea about what the result of it would have been?

Admiral McKEE. No, sir. I cannot.

Senator NUNN. You did not look into that aspect of it?

Admiral McKEE. I have not again gone over that specific instance. It happened before I came to the Naval Academy 2 years ago, and I have not spent a good deal of time on it.

Senator NUNN. Colonel, do you know about that?

Colonel ROBILLARD. No, sir, it happened before I arrived also.

Senator NUNN. It seems to me that in an incident of that magnitude that perhaps both of you would look into it just as a matter of history.

Colonel ROBILLARD. I would point out one thing, sir. I do know that—you mentioned the nontoleration—it was a midshipman who in fact reported the fact that the examination had been compromised.

Senator NUNN. In this particular case, where there were 60 involved?

Colonel ROBILLARD. Yes, sir. I do know that about it.

Senator NUNN. I think for the record we would like to have as much of that particular episode—the history of it—in as many details as you can provide. We do not need the names. I am not looking for the names.

Admiral McKEE. I do not mean to imply that I have ignored it, but I prefer not to speak in any detail on it because I really have not spent that much time with it.

One other point that I think that bears making is that the incident was handled through the normal processes at the Naval Academy by the brigade honor committees, through the process that Colonel Robillard described.

Senator NUNN. In looking back on that incident, was there any fear then that the whole honor system had broken down at Annapolis? Do you know that?

Admiral McKEE. I think probably there was speculation in the papers at that time. Any time something like this happens there is immediate speculation that it is all falling apart. But it is my perception that the investigation indicated that was not the case, that the midshipmen had done in general what was expected of them under our honor concept.

Senator NUNN. Who was your predecessor, Admiral?

Admiral McKEE. Admiral W. P. Mack.

Senator NUNN. Is he retired?

Admiral McKEE. Yes, sir.

Senator NUNN. Who was your predecessor, sir?

Colonel ROBILLARD. Commander Albrecht, sir.

Senator NUNN. Is he still in the Service? Where is he located?

Colonel ROBILLARD. He's still at the Naval Academy.

Senator NUNN. Would he be familiar with this particular incident?

Colonel ROBILLARD. Yes, sir, he would.

Senator NUNN. Senator Bartlett, have you any further questions?

Senator BARTLETT. Thank you, Mr. Chairman. You said there were 15 midshipmen discharged, or who resigned, and you listed the violations of 11 of them, among which was only one who cheated on an examination.

Admiral McKee. I did not finish them all. I am not sure where I left off. Let me just go back through—three for stealing; one, lying about his whereabouts in failing to meet a commitment; one who falsified the obstacle course applied strength test cards. And that is cheating. One cheated during a calculus examination. The unauthorized absence or substitution of a body in a bed; one cheating for receiving unauthorized assistance in the preparation of a computer program, that is, on a homework assignment, a specific homework assignment; one cheated on a chemistry examination; one received unauthorized assistance again for required work in a weapons course. This is again—and I will explain when I get through with this how we handle that. One withheld a written report of a conduct violation on himself and then falsified his reason for doing so. In other words, it was a dual violation. Another one cheated on an engineering materials exam. Another lied on five separate occasions and was found guilty of falsifying on three occasions the reasons why he absented himself from required commitments. Another obtained unauthorized assistance in the preparation of a term paper. This is plagiarism. He found a very obscure book in a library in San Juan and then just copied a chapter and turned it in. Unfortunately, or fortunately, however you care to look at it from his point or ours, the instructor had read the book. Another is the business of false muster. So I think that is 15.

Senator Bartlett. Of the 15 then, there are 7 who were cheating in the classroom or assigned work. If you have the information, can you compare that with the previous year or the previous 5 years? In other words, if you had 15 total, you have 8 for violations other than cheating. And you have 7 for cheating.

Admiral McKee. Well, let's step back.

First of all, this year 15; last year 22; the year before 23; the year before that 10; the year before that 22; the 1970–1971 period 14; 1969 to 1970 is 13; 1968 to 1969 is 13. These are overall numbers. I can provide for the record a table if that would be——

Senator Bartlett. A table, yes, I think that would be very helpful. It would also show those who were cheating in the classroom work, right?

Admiral McKee. Right.

Senator Bartlett. And those for other violations——

Admiral McKee. It will be broken down in lying, stealing, cheating, and combinations of them.

Senator Bartlett. Mr. Chairman, I think it would be very helpful if we had similar information from all of the academies. I realize it is not all quite the same categories, but at least it would give us a good picture of the last 5 or 10, maybe 10 years, whatever the chairman thinks.

Senator Nunn. We will submit to you some questions in writing for the record. I have already alluded to that information for 5 years. But we want to have a common basis of comparison with all the academies. Your suggestion, Senator Bartlett, is well taken.

[The information follows:]

Senator Nunn. During the last ten years—year by year—how many alleged honor violations were reported to the appropriate committee, board, or authority? What percentage of the reported allegations were self-reported? Of the cases reported, how many resulted in a finding of "guilty"? What was the nature of the violations? Of the cases resulting in guilty findings, how many resulted in separation from the Academy? What percentage of annual student attrition did these separations for honor represent?

Admiral McKEE. Mr. Chairman, I will insert into the record a chart which depicts the information requested. In some categories our records do not go back ten years. Also, our records do not differentiate between those violations which were self-reported and those initiated by others. The information which has been presented is based on the academic year which covers the 12-month period from graduation to graduation.

DISPOSITION OF HONOR VIOLATIONS

	Academic year—									
	1966–67	1967–68	1968–69	1969–70	1970–71	1971–72	1972–73	1973–74	1974–75	1975–76
Total alleged violations						75	48	150	95	97
Cases forwarded for investigation						66	38	136	87	[1] 75
Cases dropped by investigating board						17	10	64	13	12
Cases heard by brigade honor board						49	28	72	74	60
Cases found guilty by brigade honor board						29	15	44	32	[2] 29
Total separations	25	28	13	13	14	22	10	23	22	15
Separations for lying	11	15	9	7	4	10	4	8	10	5
Separations for cheating	10	11	4	1	5	12	3	11	12	6
Separations for stealing	4	1	0	4	5	0	2	2	0	3
Separations for lying and cheating	0	1	0	0	0	0	0	2	0	1
Separations or lying and stealing	0	0	0	1	0	0	1	0	0	0
Total placed on probation						7	5	21	10	8
Percent of total attrition due to honor separations [3]	5.85	5.37	2.36	3.44	3.00	3.82	2.07	4.77	4.44	3.11

[1] 3 discharged for academic failures while their cases were under investigation.

[2] 3 discharged by academic board while cases under review, 1 left by voluntary resignation, 1 separated for conduct, 1 pending.

[3] Percent equals number of honor separations divided by total losses

Admiral McKEE. I would like to say just a word or two about individual course work, unauthorized assistance on that. I have an instruction out to my academic departments which says that it is the policy of the Superintendent to encourage midshipmen to work together on out-of-class assignments. That means day-to-day homework assignments. And the reason is that this contributes to the learning process. If the guy sits there stumped all evening, he is better off to be working with two or three other people. I do, however, give the instructors the option to specify a particular assignment that they want done alone, they want done for credit. That is a—a term paper would fall in this category. Or perhaps an instructor may allow midshipmen to come in and say they would like to work together on a paper.

Senator BARTLETT. Do you find that there is any confusion in the midshipman's mind on that kind of assignment if they have been accustomed to joint efforts?

Admiral McKEE. I do not think so, but we have to reiterate it, and we have to make sure that the course policy promulgated by each academic department is consistent with my instructions. And we do that at the beginning of the year.

Senator BARTLETT. Do you use a lot of true-false examinations?

Admiral McKEE. No, sir.

Senator Bartlett. Do you have the midshipmen sit in alternate seats as they do in a number of honor code systems?

Admiral McKee. They would just sit in a classroom.

Senator Bartlett. In regular seats right next to each other?

Admiral McKee. Yes, sir.

Senator Bartlett. Have you found any problem with that?

I know in my own experience we felt it was better to be in alternate seats from the point of view not necessarily of making it more difficult to cheat, but from the point of view of not appearing to be cheating when one was just sort of looking around thinking.

I do not know how close the chairs are in your classrooms, but if you are left-handed like I am and there is a right-hander next to you, and you have one of those kind of desks that are pretty close together there may be an appearance of cheating. I also realize that in most of your work, it probably would be hard to do much cheating from just a quick glance at a paper.

Admiral McKee. Well, we are an engineering school, and most of our work is tough, engineering problems. The biggest difficulty is time. Folks rarely finish what they are working on. If they are looking around, they are in desperate trouble. The complexity of the solution to the problems is such that it would make it not very profitable to try to cheat; if you can come up with the answer without the work, that will not be satisfactory. You will not get credit for it in the first place.

One instance of classroom cheating, one that is included here, is one in which the midshipman was sitting next to the teacher's desk. The teacher was working the problem, working the exam, along with the class just to check the timing to see if it really could be done in that time, that particular amount of time. When she got around to grading the papers, she found that she had done two wrong, and he had made exactly the same mistakes on the same two problems. [General laughter.]

Senator Bartlett. So he was setting up a reasonable environment.

Admiral McKee. Yes, sir. He is no longer with the program.

Senator Bartlett. What about the work that is given to a student to be done by himself only and that is done in his room away from the class? What kind of timetable would you see normally on that?

Admiral McKee. It may vary. It might take overnight or as long as a week. We have 26 majors programs in the Naval Academy. Most midshipmen do not take the same courses with their roommates after about the first or second year. There are a wide variety of course assignments so you will have midshipmen working on different things in different places.

Senator Bartlett. Give me some idea of the variety of the kind of work—themes.

Admiral McKee. Some will be inventing computer programs. Some will be, for example, a term project.

Senator Bartlett. Is that done in a computer lab, so to speak?

Admiral McKee. It has to be done at a computer terminal, yes, sir. A term theme or a research paper, a particular set of physics or chemistry problems might be given out. And the instructor will say do those problems for credit; they will contribute to your daily grade and do them independently. Is that sufficient?

Senator BARTLETT. When you reported to the committee on the situation several years ago, when there were a number of violations on, I guess, it was one examination or one paper——

Admiral McKEE. It was one examination and it was a term examination.

Senator BARTLETT. Would you also give us the opinion of those involved at that time, and with the discipline and with the honor system, with the officers as well as the midshipmen as to whether there was a general breakdown in the support for the honor code at the Academy, or, in other words whether there seemed to be some contributing factors to this that were then dealt with later? Just what brought it about? Why it happened?

Admiral McKEE. Yes, sir. We will do that. It is my perception that, rather than weaken the honor concept, it strengthened it because it was certainly a full bore test of this system, whether it could accommodate a major problem and very importantly whether, as constructed, it could accommodate that kind of thing, or whether it would fall apart. It did not fall apart. It was handled by the existing statutes, by the established organization; so it is again my perception that it strengthened it. And we learned some procedural things from dealing with that which have been incorporated in our instructions. But the details of that we will have to give to you.

[The information follows:]

Senator Bartlett, it is the opinion of the officers and midshipmen present at the Academy during the incident in 1974 that it did not represent a general breakdown of the Honor Concept. This opinion is supported by the evidence. The compromise of the examination was discovered and reported by a midshipman. A thorough check of all examination papers resulted in 61 midshipmen being investigated by the Midshipmen Honor Committee. Forty-one of these men were found not to have cheated and 20 cases were found guilty by the Honor Boards. This number represented 2 percent of that class and 0.5 percent of the Brigade. Thirteen of the 20 midshipmen found guilty had carried written answers into the examination but had not utilized this material. These men were placed on conduct probation. The remaining 7 (0.7 percent of the Brigade) were separated. One good indication that the Honor Concept had not suffered a general breakdown is the fact that 13 midshipmen who had initially planned to cheat did not carry out that intention.

The incident was brought about when a single instructor allowed several midshipmen to examine a copy of the test during a review session. These midshipmen then shared the information with others.

The instructor was overzealous in his desire to help the midshipmen he was tutoring. It was determined that the instructor had no malicious intent or desire for personal gain, but he was charged under the Uniform Code of Military Justice and reassigned to other duties.

Senator BARTLETT. Yes, if you could get to the procedural. I am not sure what you mean by procedural.

Admiral McKEE. Mainly the procedural changes that we have done have been to strengthen the business of due process through the investigative proceedings to make sure that we accord an accused all of the rights he needs and he is not put in an adverse position through procedural improprieties.

Senator BARTLETT. Were there any changes made in indoctrination after that or was it thought that there was any need for that?

Admiral McKEE. I will have to furnish that information.

[The information follows:]

As a result of the navigation incident it was decided to conduct a reindoctrination of the classes of 1976 and 1977 and to revise the technique of instruction used for indoctrination in the Honor Concept. The greater part of previous honor indoctrination had been conducted by lecture (Company Honor Representative lecturing their in-company classmates). The Honor Committee, under the direction of the Officer Representatives, applied different instructional techniques to the basic indoctrination lesson outlines. The result was greater individual participation in the indoctrination, more feedback to the Honor Representatives and a livelier interest in the Concept. The indoctrination program, as it has evolved today, generally consists of company level seminars, some use of visual aids, including TV and lectures.

Senator BARTLETT. Admiral, thank you very much.

Senator NUNN. Admiral, I have just a few more questions.

One thing that is of concern in this overall examination is whether a midshipman or, for that matter, cadets at West Point, are subject to any kind of extraordinary pressures to excell in their work that, say, students in other institutions are not subject to.

For instance, what effect does the class standing have on a midshipman's subsequent career?

Admiral McKEE. Well, there is what I describe as a myth that it has a profound effect on his career for the rest of his life. I think that is wrong. A midshipman graduating from the Naval Academy is in a block of about maybe 800 to 900 people. His position in the lineal list, with regard to his classmates does not change. But all of the other accessions to the Navy at the same time get sprinkled into that group. You have OCS coming in. Naval aviation officer candidates come in, NROTC; (Naval Reserve Officer Training Corps) and all of a sudden the guy who thought he was No. 1 in the group of 1976 finds he is No. 3,001. That was my case. I was surprised when I graduated. I figured I was pretty high on the list and I was going to be right at the top in my year group. I found many pages ahead of me.

I think the midshipman recognizes this. I think the most immediate——

Senator NUNN. What percentage, say, of the flag officers are graduates of Annapolis?

Admiral McKEE. I saw a figure somewhere of 71 percent. We contribute about 20 percent of the Navy's accession rate at the ensign level. There is one place that class standing could have a significant impact and that is in service selection. On graduation, the midshipman picks where he wants to go to his first duty station by class standing. If there are any quotas assigned, that is, limits on numbers of people that can go to a certain field, those go by class standing. I think that perhaps a half a dozen midshipmen did not get into aviation, not the front seat but the back seat, what do you call it?

Colonel ROBILLARD. NFO—naval flight officer program.

Admiral McKEE. A few midshipmen would like to have gotten into the SEAL team—sea, air and land program—which was very severely limited. So it does not even affect that in general. It might affect whether an individual gets a destroyer or a cruiser. I think the business of class standing is overstated.

Again, you have to remember that we have a wide variety of majors and some variances in the degree of difficulty within these majors. What we do is encourage each midshipman to do the very best he can. How well he does at the Naval Academy is not going to be considered necessarily with relation to his classmates, but how well he did personally, what is his grade average, how did he do in math, physics, and chemistry. That sort of thing will determine his ability to compete, for example, for nuclear power training, or to compete for a very limited number of graduate places.

Senator NUNN. Do the officer review boards look at class standing as the midshipman graduates and goes up the ladder in the Navy?

Admiral MCKEE. The only thing it does is set the lineal list and; for example, when promotion time comes around, if the end strength setup for a particular year is short, it may be necessary to draw a line for the promotion zone in the middle of the year group. That happens frequently. And in that case class standing may mean something. But by the time you have added in all these extra people, it does not mean that much. And there is still the opportunity for 15 percent of the young men to be selected early, as you know.

So I think certainly it is important to do as well as you can, but the specific class standing is not all that important.

Senator NUNN. One other general question. Superintendent Berry testified yesterday that at West Point there is a cross-check to determine the kind of cheating that is going on. Do you have any rigorous system of ascertaining whether cheating is taking place at Annapolis?

Admiral MCKEE. No; I think that each instructor acts like instructors at most institutions and grades the papers he is grading very carefully and looks for anomalies, an answer without the work to support it or an answer that is completely wrong, and another paper that may be completely wrong in the same way. You have to understand that there is a difference in the Academies' academic systems. West Point has no majors system.

Senator NUNN. Has no what?

Admiral MCKEE. Has no system of majors. So it is my perception, that most cadets take a lot more courses in common than we do.

Once our midshipmen are past the 2-year point, there is a tremendous variance in what courses individuals are taking. So people taking exams are small groups. The exams are given by individual instructors to suit the needs of his course and how it fits into that individual midshipman's matrix.

So he is not looking at just the tip of the iceberg. Most instructors, particularly in the more difficult courses, are looking at most of the students involved in that major any time they give an exam.

Senator NUNN. Let me ask you both this question.

If you had to point out possible deficiencies in the Annapolis system as it now exists, what areas of concern would you have with the present system at Annapolis? Do you think you have got the perfect system?

Admiral MCKEE. No, sir, I think there is no perfect system.

Senator NUNN. I am not saying it works perfectly. But I am saying on paper, is there theoretically anything that you would change, the toleration clause, sanctions?

Admiral MCKEE. I do not think we would change the basic elements of the program right now. We need to continue to work on the procedural aspects.

For example, just last fall in reviewing a couple of cases, it looked to me like the investigative procedures had become a little bit adversarial. Instead of asking the question and getting the answer, and then writing it down, and considering it privately, one of the questioners would say, "I cannot believe that." That has got to be wrong. We threw that case out and started all over again with a new board. We developed a charge sheet or a sheet of rules, by which the chairman says this is the way we run the board, and these are the things that we are not going to do. Those sorts of things are a matter of education and practice.

The functioning of the board improves with experience and so for that reason we have moved back the time that we bring our midshipmen into active participation on the board one semester, letting second-class midshipmen spend a lot of time involved in what goes on to learn as they go. But the basic principles on which the system operates I do not believe we would like to change, based on anything we know at this time.

Senator NUNN. Colonel, what are your observations in that regard?

Colonel ROBILLARD. I think the system is good, sir. Of course, I am an Academy graduate, and the system was evolving in 1957 when I graduated, so it had become similar to what it is now. I think the quality that we have injected into it—that Admiral McKee has just talked about—has been a tremendous improvement on the system, and I think it has made the midshipmen, particularly the honor committee members, more aware of the great responsibility that has been placed in their hands. My feeling is to continue to improve the quality of the system as it is now laid out; and I am sure that, in itself, will bring about some of the refinements that we've had.

This is the biggest reason I would support it. I think the midshipmen are happy with it and support it.

Senator NUNN. When was the last time there was a substantial change made in this system?

Admiral McKEE. The last change that I signed out was in December of last year.

Senator NUNN. December of 1975?

Admiral McKEE. Yes, sir, that was some procedural changes to make sure of the proper handling of the witnesses by the board, and basically procedural changes. The important thing about the procedural thing is that if the brigade is going to support it, they have to be pretty comfortable that the guy they put on report is going to get a fair shake in the investigative process. They should not have to feel, "Well, I am throwing him to the wolves if I throw him to that board."

The brigade has to have confidence that the system is tough but compassionate.

Senator NUNN. What do you think would happen if you had no flexibility of sanctions? If you had only one recourse, you're guilty and you're out or you're innocent and you're in, do you think that would work? What do you think that would do to your system?

Admiral McKEE. I think that would be inconsistent with the training function that I've described earlier, that I consider our overall disciplinary system had to build.

Senator NUNN. Do you think that would weaken the possibility of the cadets turning in violations that they observe to the honor council?

Admiral McKEE. I said that I think it would weaken it. I don't think it would strengthen it.

Senator NUNN. What do you think of that, Colonel?

Colonel Robillard. I think it would weaken it. We try to show the midshipmen that we are creating an environment which is realistic to what they are going to be living with as commissioned officers in the Navy and Marine Corps. And to say to them that they had no options, we would not be following through on the environment that we are trying to create.

Senator Nunn. How do you find the system in Annapolis compares to real life in the Marine Corps and the Navy?

I will ask you first, Colonel.

Colonel Robillard. In my experience, sir, I feel it compares very favorably. I think as a commissioned officer, each one of us knows that we have an abligation to uphold high standards of integrity and I think each one of us knows that if he were faced with a situation that requires action on our part that we will and are required to take some action on it. I see a very close parallel to what I've seen in the officer corps in the Marine Corps.

Senator Nunn. Admiral, how do you compare the experience at Annapolis in regard to the honor concept with the real Navy?

Admiral McKee. The basic principle of integrity that we are trying to instill, I think, are in the fleet and are respected; and are what we strive for in the fleet. How successful we are is always a difficult thing to measure, just as the effectiveness of any set of regulations is.

What happens in the fleet—let me try this—what happens if a guy lies in the fleet. Let me take something out of my own background just as an example.

I am a submarine officer, The way we line up our systems in our submarines, whether to operate the propulsion plant or the diving and trimming of the ship is very important, and we do it rigorously—individually, officers must do it, must check each other; or an enlisted man must do it and check on an officer.

In other words, two men must check each other and an officer who does not do his duty but says he does will be found out. When he is found out as in one case in my own background—that an individual said he lined up a system properly. We came very near to a serious casualty because he did not do it, did not line it up at all. This was reflected in the fitness report that I gave him and a letter of admonition, a punitive letter, and he failed selection the next time.

It takes longer for that to come home for that individual than an honor system in a training environment where it happens and they're out, but the whole business of running an administrative conduct system in a training environment must involve an immediate response so that it has a training value.

Many of the sorts of things for which we take action against the midshipmen will eventually reflect in their ability as an officer, and the reckoning will be when they come up for promotion.

Senator Nunn. Admiral and Colonel, we appreciate your appearing today. We will be in touch with you with some written questions for the record.

I think we will probably be having these hearings over a period of time. We are not going to be able to complete them any time soon and we will stay in touch with you for any suggestions or additional information we may need.

Tomorrow morning we will start at 10 a.m., at which time we will hear from General Allen, who is the Superintendent of the Air Force Academy.

Next week—although we don't have the dates; they will be announced later—we will have the so-called Buckley committee here. They did an intensive investigation at West Point a couple of years ago. We will be hearing from several of those committee members.

At this point, we will adjourn the hearing.

[Whereupon, at 11:38 a.m., the hearing was recessed, to reconvene at 10 a.m., Wednesday, June 23, 1976.]

Questions Submitted by Senator Sam Nunn

(Questions submitted by Senator Nunn, answers supplied by Superintendent, U.S. Naval Academy; and officer representative to the Brigade Honor Committee.)

Senator Nunn. What are the purposes and procedures of the Naval Academy honor concept and system and does the system serve the purpose for which it is intended?

Admiral McKee. Mr. Chairman, the mission of the Naval Academy is to train midshipmen to be professional officers in the Naval Service. The purpose of the honor concept is to aid in this training and to assist in developing in each midshipman a long standing habit of personal integrity to which he will adhere not only while at the Academy, but throughout his career. This is accomplished through education and indoctrination of the midshipmen into the need for high standards of honor, duty and responsibility and by creating a realistic military environment at the Acadmey in which rigorous standards of conduct and performance are required. Although I know we are not 100 percent successful, I feel our honor concept does serve its purpose.

Senator Nunn. Is violation of the Naval Academy honor concept infrequent and limited in scope or is it a common occurrence?

Admiral McKee. The chart which I entered into the record shows the Naval Academy has averaged about 93 alleged violations and approximately 30 guilty findings per year. The numbers are generally consistent from year to year with the exception of Academic Year 1973–74 when numbers were higher because of the problem with a navigation examination described later. These figures equate to approximately 2.2% of the Brigade involved in possible violations and 0.7% found guilty of such violatons. None of these numbers reflects evidence of widespread violations of the honor concept. I recognize that our system does not record the number of alleged violators who were counselled, but as COL Robillard indicated in his testimony, there are 144 elected honor company representatives throughout the Brigade (one per class in each company) who are involved at the grass roots level in the day to day business of administering the honor system. COL Robillard felt, and I agree, that any lack of Brigade support or acceptance of the honor concept would soon become evident to one or more of these talented individuals. Such has not been the case.

Senator Nunn. What cheating incidents have occurred at the U.S. Naval Academy since 1945 and how were they finally resolved?

Admiral McKee. The Naval Academy's only cheating incident of the type that the subcommittee is currently investigating occurred in May 1974. This incident involved the compromise of a navigation examination.

The investigation of this incident revealed that a single instructor allowed several midshipmen to examine a copy of the test at a review session prior to the examination. These midshipmen then shared this information with others. It is important to note that the compromise was reported by a midshipman just prior to the examination.

A total of 61 midshipmen were investigated by the Midshipmen Honor Committee. Where it was determined that sufficient evidence of an honor violation existed, the cases were referred to Honor Boards. In all, the Class Investigating Board and the Honor Boards determined that cheating did not occur in 41 cases. Twenty midshipmen were found guilty by the Honor Boards, and their cases were forwarded to the Commandant and Superintendent for review and action.

The Superintendent recommended seven midshipmen for separation and placed 13 on probation. In those cases where probation was awarded, the evidence indicated that the midshipmen concerned carried written answers into the examination, but had not used the material. This conclusion was based on actual exam performance by these individuals on questions for which answers were avaliable beforehand.

Although violations of the Honor Concept occurred, Mr. Chairman, I do not feel the evidence supports a view that this incident represented a breakdown of the Concept. The examination compromise was discovered and reported to proper authorities by a midshipman, and midshipmen handled the honor board proceedings in accordance with standard procedures for our Honor Concept. One example of the Honor Concept in assisting in the development of personal integrity can be seen in the fact that 13 midshipmen who had initially planned to cheat did not carry out that intention.

Senator NUNN. What is the rationale for the absence in the written Naval Academy Honor Concept of a "non-toleration" provision of the kind which has stimulated so much controversy at West Point?

Admiral MCKEE. One of the prerequisites for leadership, both as a midshipman at the Naval Academy and as a line officer of the Navy or Marine Corps after graduation, is a well developed sense of personal integrity. The Naval Academy seeks to develop this characteristic by maintaining a realistic military environment that encourages the growth of a basic sense of integrity in each individual. This is done principally by precept, example, and association with others who adhere to the desired standards. In describing this environment as realistic, I mean that it must be consistent with the military environment in the Fleet but structured at a more exacting level in recognition of the fact that the Naval Academy is a training ground for officers of the naval service. The basic purpose of our regulations is to set the framework for our military environment, and the Honor Concept is a principal contributor. It must serve as a means of training midshipmen as well as disciplining them. A "non-toleration" clause may provide some assurance that individual instances of alleged violations will be reported, but it also tends to relieve the individual who must report the violation of the needs to exercise an appropriate measure of judgment. The inflexibility of a "non-toleration" clause can be compensated for by giving higher authority the ability to exercise "discretion" after administrative processes have been completed, but this arrangement is not translatable to situations which will face our graduates when they leave the Academy.

Requiring midshipmen to exercise this sort of judgment in a training environment helps to ensure that they are more adequately prepared to meet the similar challenges after they graduate. This ability to translate the training received under the Honor Concept directly to action required of an officer in the naval service is the primary reason that the Naval Academy concept prescribes the options to report, counsel and report, or counsel rather than adhere to a "non-toleration" provision in its Honor Concept.

Senator NUNN. Are midshipmen subject to unusual pressures to excel academically or are they subject to pressures characteristic of most institutions of higher education?

Admiral MCKEE. There are no unusual pressures for a midshipman to excel academically at the Naval Academy. Each knows that his individual academic record will be subject to review and may form the basis on which some assignment decisions will be made. Our midshipmen are encouraged to do as well as they can.

Senator NUNN. How are alleged Naval Academy Honor Concept violations adjudicated?

Admiral MCKEE. Alleged violations are investigated by midshipmen members of the Brigade Honor Committee. The facts surrounding the case are presented to an Honor Board composed of other members of the Honor Committee. This board acts as a fact finding body for the Commandant, forwarding to him its findings and recommendations. These recommendations are based on any valid extenuating circumstances presented by the accused and allows the Board to exercise some discretion at their level. The Honor Board, however, has no authority to impose punishment or censure. The Commandant reviews the Honor Board hearing and then holds a hearing with the accused midshipman. After his hearing, he may terminate the proceedings, return the case to the Honor Committee for a re-hearing or forward the case to me with his recommendations. I review the entire case, including the Commandant's hearing, and if I find the midshipman has committed the alleged violation, I will normally recommend to the Secretary of the Navy that the accused be discharged for misconduct. In each such case, I also afford the midshipman an opportunity to resign in lieu of discharge.

Senator NUNN. To what extent is responsibility for the enforcement of the concept in the hands of persons or groups outside the Brigade of Midshipmen?

Admiral MCKEE. The Honor Concept is a U.S. Naval Academy Instruction (Regulation). Every midshipman, officer and civilian faculty member is responsible for adherence to it. However, the major responsibility for the operation of the Honor Concept rests with the Brigade, because they must have a major stake in its operation if the system is to remain effective. Full responsibility for the disposition of midshipmen found guilty of honor offenses rests in the hands of the Commandant, the Superintendent, and the Secretary of the Navy. It is in the exercise of this responsibility that discretion enters our system. We feel that this is important to ensure that an appropriate measure of experience is inserted into the procedures at the Naval Academy through review by officers in the chain of command. This also supports our efforts to insure that our procedures for handling disciplinary matters are consistent with those that our graduates will find in the fleet.

Senator NUNN. What is the relationship between the Honor Concept and the maintenance of discipline and enforcement of regulations governing daily midshipman life?

Admiral MCKEE. Mr. Chairman: The honor concept is not used in any deliberate or direct manner as a means of enforcing the regulations. By that I mean a midshipman may not simply be asked: "Have you broken any regulations today?" and then be subject to prosecution for an honor violation on the basis of his answer. Specific questions with regard to a midshipman's behavior in light of regulations must have a basis in evidence or fact; that is, an individual who believes a midshipman has broken a regulation may ask specific questions and the midshipman is expected to answer truthfully. Under all circumstances there must be some reasonable basis or evidence for asking the question.

Senator NUNN. What rights are accorded individuals accused of Honor Concept violations?

Admiral MCKEE. Mr. Chairman, each accused midshipman is afforded the following rights:

1. The right to consult with and seek advice from whomever he wishes and to choose a Midshipman Advisor. This includes the right to consult a counselor in the preparation of an accused's case. Counsel may not be present during investigative proceedings by the Honor Board, but may be permitted to attend the review proceedings of the Commandant or the Superintendent.
2. The right to be present with his Midshipman Advisor at open sessions of the Class Investigating Board and Brigade Honor Board during the hearing of his case.
3. The right to examine all evidence in the case, security classification permitting.
4. The right to present a defense to the charge(s).
5. The right to call witnesses and present other evidence in his behalf and to cross-examine witnesses called against him.
6. The right to remain silent or to make a statement, either written or oral, concerning the alleged offense, and, if convicted, to present matters in extenuation.
7. The right to a minimum of three working days (72 hours) to prepare his case.

Senator NUNN. To what extent does a midshipman's class standing influence his subsequent career?

Admiral MCKEE. Mr. Chairman, there is a perception in some graduates that a midshipman's class standing may be a major influence in his subsequent career. This is not true. Professional performance on the job is the most important factor in career assignments and promotion, and this fact we continually emphasize to our Midshipmen.

Senator NUNN. During the last 10 years what percentage of those individuals guilty of honor violations have been members of: (*a*) The 1st Class, (*b*) The 2nd Class, (*c*) The 3rd Class, (*d*) The 4th Class. Please supply these figures by year.

Admiral MCKEE. Mr. Chairman, our records pertaining to the information you requested are complete only for the past 6 years. That data is presented in the following table:

PERCENT BY CLASS OF GUILTY HONOR VIOLATIONS

	Academic year					
	1970–71	1971–72	1972–73	1973–74	1974–75	1975–76
1st class	19	21	13	18	19	20
2d class	22	27	33	2	9	20
3d class	37	21	27	60	41	44
4th class	22	31	27	20	31	16

HONOR CODES AT THE SERVICE ACADEMIES

WEDNESDAY, JUNE 23, 1976

U.S. SENATE,
SUBCOMMITTEE ON MANPOWER AND PERSONNEL
OF THE COMMITTEE ON ARMED SERVICES,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10 a.m., in room 1114, Dirksen Senate Office Building, Senator Sam Nunn, chairman, presiding.

Present: Senators Nunn, Bartlett, and Hart.

Also present: Francis J. Sullivan, John A. Goldsmith, Kenneth Fish, professional staff members; John T. Ticer, chief clerk; Roberta A. Ujakovich, research assistant; Jeffrey Record, assistant to Senator Nunn; Charles Stevenson, assistant to Senator Culver; and Fred Ruth, assistant to Senator Bartlett.

OPENING STATEMENT BY SENATOR SAM NUNN, CHAIRMAN

Senator NUNN. Superintendent Allen, Commandant Beck, it is a pleasure to have you here today. As you know, the purpose of these hearings is to explore the honor systems at our service academies and to identify broader issues which bear upon the educational development ethical standards, and overall character of those academies. So far the subcommittee has received extensive testimony from representatives of the U.S. Military Academy at West Point and of the U.S. Naval Academy at Annapolis. The honor systems of both of these academies differ substantially in terms of the substance and application of their respective honor codes. It is the subcommittee's hope that a review of the honor system at the U.S. Air Force Academy at Colorado Springs will provide an additional perspective with which we can assess the viability of the system now in effect at West Point, Annapolis and the Air Force Academy, and so that we can assess the recent violations which have occurred at West Point.

General, I don't expect you to answer all of these questions in one fell swoop, but we will be getting to those, and that gives you an idea of some areas we are interested in. I assume you have a statement this morning, and we would ask you to proceed as you see fit.

You might want to introduce General Beck and give us his position for the record before we start.

STATEMENT OF LT. GEN. JAMES R. ALLEN, SUPERINTENDENT, U.S. AIR FORCE ACADEMY, ACCOMPANIED BY BRIG. GEN. STANLEY BECK, COMMANDANT OF CADETS

General ALLEN. Thank you, Mr. Chairman. I wish to introduce General Beck, Commandant of Cadets, who is with me. He has held that position since last summer. I think that my prepared statement will cover many of the questions you outlined. We will be glad, on questioning, to go into those which we miss in the statement.

A commissioned officer in the U.S. Air Force holds a position of public trust. The manner in which our officers discharge their responsibility impacts directly on the national security of the United States. Thus, we believe that a dedication to the highest standards of integrity is an essential quality for an officer and one which should receive special emphasis in the training of those who are preparing themselves for commissioned service. The honor code of the U.S. Air Force Academy was developed to meet that need.

Prior to the entry of the Academy's first class, a study was undertaken under the direction of Lt. Gen. Harmon, the first superintendent, to formulate an honor system. This study provided a framework from which the first cadet class built its code: "We will not lie, steal, or cheat, nor tolerate among us anyone who does."

The code was used on a trial basis for 1 year, then formally accepted by the cadet wing in September of 1956. Since its inception, it has been recognized that the code belongs to the cadets and is a self-motivated effort by the young men of the cadet wing to develop the sense of personal integrity which will be critical to them as career officers. Lying, cheating, and stealing are viewed universally as unacceptable behavior and require no further explanation. The nontoleration clause, however, is sometimes misunderstood. This provision of the code at the Air Force Academy requires a cadet to take action should he observe or have other indications of an honor violation. Normally, this action will consist of approaching the suspected individual to inquire about the circumstances surrounding the situation. A misunderstanding or mistake may be easily and quickly cleared up in this manner. If the suspecting cadet is not satisfied by this discussion, he will then advise the individual to take up the matter with an honor representative and must follow up to see that this is done. Otherwise, he must personally report the incident to an honor representative.

If the incident is of a particularly serious nature, the suspecting cadet may bring it directly to the attention of an honor representative and allow him to make an investigation. In any event, some positive action must be taken to resolve the situation.

The nontoleration clause has been equated by some with tattling or squealing. Such comments in our judgment reflect a gross misunderstanding of the Academy and the honor code. In actuality, nontoleration is the very backbone of the code, recognizing that each cadet, like every officer in the Air Force, must place his responsibility to the Nation above his loyalty to an individual.

Senator NUNN. Let me interrupt you right there briefly.

At the Naval Academy we had testimony yesterday that a midshipman had three choices. Of course one would be to report to the honor committee. Another choice is to counsel with the particular offender or suspected offender. In answer to a question, the Superintendent of Annapolis stated very clearly that even if a midshipman confronted another midshipman as many as 100 times with 100 different violations, and counseled with him each time, that he would not then have violated the code at Annapolis. Would you comment on the contrast between that and your very strong viw as expressed here on the nontoleration provision and its essential nature? In other words we have one of our academies with almost a diametrically opposed view to the other two. It seems to me that we cannot all be right.

General **Allen**. Mr. Chairman, I would not want to get into a position where I was commenting on procedures, policies, and so forth, at the Naval Academy, because I don't consider myself an expert on the Naval Academy, nor in the environment of the total training program at the Naval Academy.

With regard to the nontoleration clause as it pertains at the Air Force Academy, we view it as a relatively straightforward contention. It is a person's responsibility to report wrongdoing. Now, it is not necessary that he personally go and tattletale as my statement indicated. He has the option, and is encouraged, as a matter of fact, to confront the suspected individual and discuss it with him. If there is some mistake it gets resolved at that time. If he is still not satisfied, then he tells the suspected individual to go report himself to an honor representative and get it cleared up that way one way or the other.

With regard to toleration in general, as I indicated, lying, cheating, and stealing are unacceptable behavior, and everyone understands that. I think a case could be made that if one tolerated lying, cheating, and stealing, then lying, cheating, and stealing, by virtue of having been tolerated, would become acceptable behavior.

I would say also that in the studies that have taken place regarding the honor incidents that have occurred at the Air Force Academy—and I am sure we will get into those in some more detail subsequently—in 1965, 1970, and 1972, toleration was the characteristic that led to the expansion of those honor problems. In other words, an individual tended to tolerate a friend cheating. The friend starts getting better grades by virtue of cheating. The individual who tolerated decides, well, I might as well cheat also. So in effect it becomes within the subgroup an acceptable form of behavior.

We feel very, very strongly at the Air Force Academy that the nontoleration clause is the actual backbone of our honor code.

Senator **Nunn**. It seems to me that the Air Force Academy is somewhere between the Naval Academy and West Point in that you have some degree of flexibility in counseling, and also some degree of flexibility in that you permit the observing midshipman to let the violator report himself.

General **Allen**. Yes, sir.

Senator **Nunn**. But you would tilt strongly in the nontoleration provision toward West Point rather than toward the Naval Academy? In other words, you are much closer, even though there are some differences to West Point's nontoleration clause, than you are to the Naval Academy procedure?

General **Allen**. I believe that is correct, yes, sir.

Senator **Nunn**. We will get to the sanctions later. I just wanted to get that point cleared up now.

Go ahead with your statement.

General **Allen**. The administration of the honor code is conducted by an honor committee composed of 2 representatives from each of the 40 cadet squadrons. Each spring, members of the third class—sophomores—from every squadron elect one of their classmates to the position of honor representative to serve for the remaining 2 years. The newly elected honor representative's initial year on the honor committee—his junior year—is spent in a form of apprenticeship. The first class, or senior, members of the honor committee are directly charged with the administration of the code. Although we have a full-time officer adviser whose sole responsibility is to provide guidance and support to the honor committee, the actual decisions affecting the administration and content of the code are made exclusively by the cadets.

Responsibilities of the honor committee also include providing instruction on the honor system to other members of the wing and to officers involved in cadet training. Each cadet receives 16 hours of training on all aspects of the honor system during his first summer, before he pledges to live by the code. Additional instruction is held throughout the cadets' 4 years. Recent honor cases and other current information items are normally discussed during weekly squadron meetings.

When a breach of the code is suspected, the squadron honor representative will receive a report from one of the involved parties. The squadron honor representative conducts a preliminary investigation, confronting the suspected violator in the presence of cadet witnesses. Signed statements are collected from all concerned. If the squadron honor representative concludes that no honor violation occurred, the case is forwarded to the chairman of the honor committee for review and final decision. If, on the basis of the preliminary investigation, the squadron honor representative decides that the matter requires further inquiry, a formal investigation is conducted. The 40 cadet squadrons are divided into 4 groups. The group honor representative normally chairs the team conducting the formal investigation. The team examines the evidence, and questions the cadet accused of the violation and others with a knowledge of the incident. The group honor representative recommends to the chairman of the honor committee whether or not a hearing should be held. Both the preliminary and formal investigations are solely for the purpose of factfinding. Guilt or innocence is determined through an honor hearing.

The honor hearing is conducted by a board of eight honor representatives and is presided over by the chairman, vice chairman, or deputy chairman of the honor committee. Honor hearings are normally open to members of the cadet wing and to individuals who work directly with the wing, such as staff and faculty. The honor board questions witnesses in the presence of the suspected violator, who, in turn, may also question witnesses through the chairman of the particular board. The suspected violator has the option of giving testimony or remining silent without prejudice. After deliberation, the board votes by secret ballot. Guilt is to be proven beyond a reasonable doubt. A hearing requires a unanimous vote to find a cadet guilty. If the decision is guilty, the board may consider recommending "discretion." A recommendation to the commandant for "discretion" requires at least six votes cast for discretion by the eight voting board members. The provision of discretion allows the cadet to be retained in the wing in good standing, just as he is if the decision is not guilty.

Discretion is a humanizing and tempering provision of the honor system at the Air Force Academy. It is recommended selectively, after consideration of the following guidelines: To what class does the cadet belong and what is his experience level under the code? Was the case self-reported? Was there unusual pressure on the violator? Has the cadet learned the personal value of honor and resolved to live honorably in the future This past year, discretion was granted to 26 percent of the guilty verdicts.

If a cadet is found guilty of a violation and discretion is not recommended, he then elects whether to submit his resignation. If he resigns, it is for a breach of the cadet honor code; however, that fact is not reflected in his academic transcript. Before the cadet makes his decision, he is given an explanation of his legal rights and alternatives by a military lawyer who has had no previous connection with the case. This officer explains the consequences of resigning versus not resigning and affords the cadet an opportunity to consult confidentially with a military lawyer. Approximately 60 percent of the cadets in these circumstances take advantage of such a consultation.

If, after having his rights and options explained to him, a cadet elects not to resign, the Commandant will appoint an officer to conduct a completely independent investigation of the alleged incident. The investigator gathers statements, interviews witnesses, affords the subject an opportunity to make a statement after consultation with his military lawyer and collects all relevant documentary evidence. The investigator's conclusions and recommendations are reviewed by the Commandant who recommends appropriate disposition of the case to the Superintendent. During the investigation and subsequent proceedings, the cadet performs normal cadet activities, attends classes, and continues to live in his squadron area.

Upon receipt of the report of investigation from the Commandant and after staff review, the Superintendent may direct that the cadet be retained in the wing in good standing if the evidence is insufficient to warrant further action, or he can direct that an administrative board of officers be convened to hear the allegations against the cadet.

If a case is referred to a board of officers, it is a de novo hearing. The cadet is represented by a military lawyer and may have his individually requested counsel and/or his own civilian defense counsel present if he so desires. The board normally consists of five officers who are picked at random. A legal adviser is present, and a recorder to provide a verbatim transcript of the proceedings. The issue to be decided by the board is whether the cadet lied, cheated, stole, or tolerated any of these acts, and if so, was that conduct incompatible with the exemplary standards of conduct expected of a cadet. The cadet, through his counsel, confronts and cross-examines all witnesses against him, may testify on his own behalf—but is not required to do so—and may present any relevant evidence and arguments to the board. The board of officers reports its findings of fact which must be supported by a preponderance of evidence to the Air Force Academy Board, a board that consists of the Superintendent, the Dean of Faculty, the Commandant, the Director of Athletics, four permanent professors, and two additional academy officials.

Senator NUNN. Your criteria for the board finding guilty on page 8 is preponderance of evidence, and your criteria before the Cadet Honor Committee is beyond a reasonable doubt. Now, beyond a reasonable doubt is the normal criminal criteria. Preponderance of evidence is the normal civil criteria. Why, in the equivalent of a grand jury proceeding, which is the Honor Committee, do you have a criminal criteria beyond a reasonable doubt with a unanimous verdict, and then on the other hand when you go to the final adjudication, you go to the preponderance of evidence which is less a burden than that at the original proceeding?

General ALLEN. The reason for that, sir, is that the board of officers is conducted under the formal Air Force regulation, Air Force Regulation 11-31, which provides for administrative boards of officers, and it prescribes preponderance of evidence in accordance with all boards of officers for administrative purposes throughout the Air Force.

Senator NUNN. That is strange, though. I can understand why, but it seems to me that as you went along the line you would want a consistent burden. In legal precedent there is a tremendous difference in the burden of proof on the part of the prosecutor where you have beyond reasonable doubt and on the other hand preponderance of evidence. I have heard hundreds of final arguments to the jury in criminal cases that hinged on whether it was beyond a reasonable doubt, and the whole case hinged on whether the prosecution carried its burden. It does seem strange to me that as you go up the ladder in terms of final adjudication you lessen your degree of proof.

General ALLEN. Certainly that can be construed from that angle, sir. And the reason for it is, as I say, the board of officers is convened under Air Force Regulation 11-31 which provides for a preponderance of evidence. The cadets themselves with regard to their honor committee hearings want to have beyond a reasonable doubt before they reach a finding of guilty.

Senator NUNN. I don't blame them. There is a lot of difference. I know it doesn't sound like it when you are just throwing out these terms, but if you practice law it is a tremendous difference in burden.

Perhaps you could get your legal counsel to address that question and give the rationale for that, if there is a rationale, or tell me it is just a happenstance, if it just happens to be a blending between the Air Force prescribed procedures and the cadet procedures. There is no one that really has tried to reconcile the two, and I would like to get his analysis about probably what should be done.

General ALLEN. Yes: I would be happy to get that.

[This information follows:]

The standard of reasonable doubt has been used in cadet honor hearings since the establishment of the code at the USAF Academy in 1956. The honor code, as originally adopted by the cades of the first class, borrowed heavily from the system being used at the U.S. Military Academy in the mid 1950's. As a result, the West Point standard of "beyond a reasonable doubt" was also adopted. Cadets have continued to use this standard since it is a test with which they are generally familiar from their daily lives and one which they can easily apply. The test also provides an additional element of precaution within the wing before a fellow cadet becomes implicated in an honor case. Once a cadet has been found guilty beyond a reasonable doubt by the cadet honor system and elects not to resign, the Air Force initiates an administrative process completely apart and different from the cadet system. This is in keeping with the theory that the official disenrollment procedures are *de novo* proceedings and are not a part of the cadet honor system. The "preponderance of the evidence" test, as set out in AFR 11–31, the regulation governing administrative boards, encompasses the typical evidentiary standard common to all Air Force administrative hearings and is consequently used in such proceedings. By utilizing the standard set out in AFR 11–31, the Air Force Academy is using the same standard as is used in administrative discharge proceedings invovling officers and airmen.

Senator NUNN. It is an interesting point to me as a lawyer, really. Go ahead.

General ALLEN. The Air Force Academy Board, which has a statutory obligation to recommend discharge of cadets who are deficient in conduct or studies (10 U.S.C. 9351), reviews the case and by a majority vote rules that the cadet either remains qualified to continue in cadet status, or that he should be recommended to the Secretary of the Air Force for disenrollment. In the latter event, the case then is sent to a second hearing by the board of officers to determine the character of separation or discharge to be recommended to the Secretary of the Air Force. At such time as the Academy Board rules that the cadet be recommended for disenrollment, he is removed from cadet activities and given the option of returning home in a leave-without-pay status or remaining at the Academy in a casual status.

The Secretary of the Air Force upon receipt of a case recommending disenrollment, causes the case file to be reviewed for legal sufficiency by the Office of the Judge Advocate General and by members of the Air Force personnel council. The Secretary then decides whether the individual should be retained or separated from cadet status. In the latter instance, the Secretary will additionally determine the character of discharge that the cadet shall receive, or, in the case of second and first class cadets—juniors and seniors—may direct that the cadet report to active duty service in the Air Force in an enlisted status for either 2 or 3 years, as appropriate.

Senator NUNN. Let me ask you a question there. I know this is not unusual in the services, but it seems to me once a man is adjudicated guilty, by sending him into the enlisted ranks for 2 or 3 years, I suppose that is some form of punishment; is that right?

General ALLEN. No, sir; it is not a form of punishment as much as it is repayment to the United States for the education he has received. An individual who comes to the Air Force Academy under the current policy can resign any time during his first or second year without incurring an active duty commitment. If after he starts his third year of academics, his junior year, he elects to resign, then he has a requirement normally to serve 2 years in the active duty force. If he elects to resign in his senior year, he has a requirement to serve 3 years in the active duty force. This is in the nature of repaying the Government for the education that he has been provided through that period of time.

Senator NUNN. I am not bothered by punishment, but I am bothered by the implication that a person who has violated an honor code is not suited to be an officer because he is drummed out, but he is suited to be an enlisted man. It seems to me that we need honor in both enlisted ranks and officer ranks. Does that bother you any?

General ALLEN. Not in practice, sir, because they are looked at very, very closely, and it depends upon the type of honor violation. There have been some to my knowledge which were of such a nature that one would not want the individual as an enlisted man in the Air Force, and it has been recommended that he not be called to active duty for that reason. There are only a few of that type. The vast majority of them are the type where we have recommended, and the Secretary has called them to active duty.

Senator Nunn. Is there any possibility once that happens that a person could go in as an enlisted man for a while and have a good record and then go to OCS and become an officer? Have you ever seen that happen?

General Allen. I am not aware of a specific case, but there is certainly that possibility, yes.

Senator Nunn. Does it become part of his record to the extent that his future career would be jeopardized? Is he in a hopeless position as an enlisted man so that he can't really move?

General Allen. Not necessarily, sir. Again, it depends upon the type of violation that it was, and the heinousness of the crime, so to speak.

Senator Nunn. Thank you.

Senator Bartlett, if you want to ask any questions, feel free to do so.

General Allen. The honor code of the cadet wing is critical to the objectives of the U.S. Air Force Academy. It plays an important role in developing among our graduates the moral character and integrity which are necessary to a career officer in the U.S. Air Force. In its administration, the code reflects an important concern for fairness and provides essential safeguards to protect the rights of individual cadets. Equally important, the honor code reflects the right of the American people to expect that the future leaders of the Air Force will display an unbending commitment to honesty and integrity.

Mr. Chairman, that concludes my prepared statement. I would be happy to respond to any questions that you or other members of the subcommittee might have.

Senator Nunn. Senator Bartlett has a tight time schedule. He has to appear before another committee, I will be glad to defer to you, Senator Bartlett.

Senator Bartlett. They couldn't get a quorum, so I will be glad to follow you.

Senator Nunn. General Beck, do you have any observation, opening statement, or any comment on any of the questions I have asked so far?

General Beck. No sir, I do not. I agree with everything that has been said.

Senator Nunn. General Allen, how long have you been at the Air Force Academy?

General Allen. I became the Superintendent on the first of August 1974. Almost 2 years.

Senator Nunn. General Beck, how long have you been there?

General Beck. Almost 1 year, sir. I arrived at the Academy last July.

Senator Nunn. Let me ask you this. First of all, in your 2-year tenure, what cheating incidents involving collaboration among groups of cadets have taken place during your 2 years as Superintendent at the Air Force Academy?

General **Allen**. Sir, there has been only one that is more than—there might have been a previous case where there were two people collaborating, but there has been only one of any size at all. And that was in May when six cadets who were in the last part of their sophmore year.

Senator **Nunn**. May of——

General **Allen**. May of 1976.

Senator **Nunn**. This year?

General **Allen**. Just 2 months ago. Six cadets were found to have collaborated on a physics prelaboratory exercise. All six admitted having done it. And all six resigned. That is the only incident in the last 2 years, sir.

Senator **Nunn**. How did that collaboration come to light? Did any of the violators come forward voluntarily, or was there some other cadet that acted under the nontoleration provision?

General **Allen**. Their collaboration came to light by virtue of the instructor recognizing what seemed to be a rather remarkable similarity between a couple of the papers that were turned in. And then he checked a larger number of papers, and as a matter of fact, we ended up checking all of the papers that were turned in to that examination. There were seven that were suspected, and those seven went before the Cadet Honor Committee. One was adjudged innocent, and the other six were adjudged guilty. They admitted the violation and the collaboration. All of them submitted their resignations immediately after the end of the academic semester.

Senator **Nunn**. No one turned them in, then?

General **Allen**. No, sir.

Senator **Nunn**. No one confessed before they were brought under questioning?

General **Allen**. That is correct.

Senator **Nunn**. So the nontoleration provision didn't come into play in that instance at all?

General **Allen**. The individuals who knew about it were the ones that were collaborating; yes, sir.

Senator **Nunn**. And there was no one else implicated as far as having known about it?

General **Allen**. That is correct.

Senator **Nunn**. How broad an investigation did you conduct to determine if anyone else had tolerated the malfeasance?

General **Allen**. I would say we did not investigate that at great length, because there were no indications that there was any other toleration. And one of the things we attempt very strongly not to do is to take advantage of the honor code, asking what we term improper questions, or using the honor code to enforce regulations.

Senator **Nunn**. If you go too far in that regard you really lose the concept, don't you?

General **Allen**. That is correct.

Senator **Nunn**. If you become policemen and look over every shoulder, then there is no real honor code?

General **Allen**. That is correct.

Senator **Nunn**. What kind of cross-check did you do on that particular test once it came to light? Did you go through every——

General **Allen**. Every examination was checked; yes, sir.

Senator **Nunn**. How many people would have taken that examination, approximately?

General **Allen**. As I recall, 600 or 700.

General **Beck**. Most of the class.

Senator **Nunn**. 600 or 700?

General **Allen**. Yes, sir.

Senator **Nunn**. And did you cross-check with all 600 or 700?

General **Allen**. Yes, sir.

Senator **Nunn**. Was it a take home examination?

General **Allen**. It was not an examination.

Senator **Nunn**. It was laboratory work?

General **Allen**. It was laboratory work. It was what they call prelaboratory homework.

I have a few more details on this.

Senator **Nunn**. What class were these young men?

General **Allen**. The class of 1978.

Senator **Nunn**. That would have made them sophomores?

General **Allen**. Yes, sir.

Senator **Nunn**. General, while you are looking through there we are going to ask you to supply for the record an analysis of all the violations that occurred within the last 10 years, particularly those of group nature. But we will pose that for the record so that you will have precise questions.

[The information follows:]

The following information is supplied for the record concerning each honor violation incident involving three or more cadets over the past ten years:

1. In academic year (AY) 1966–67, forty-six cadets were involved in academic cheating. The incident involved exchanging information about identical quizzes given on the same day and about tests and examinations, not identical, given over a two-day cycle covering the same material. Forty-three were second-classmen, two were thirdclassmen, and one was a fourthclassman who had been turned back from the previous class. All forty-six were found guilty, thirty-four of cheating and twelve of toleration, and all resigned.

2. In AY 1971–72, thirty-nine secondclassmen were found guilty in an academic cheating incident and resigned. The incident involved the exchange of information on different tests given on consecutive days and the same test given in the morning and afternoon of the same day. Sub-group loyalties were involved as the incident was largely concentrated in three squadrons. Twenty-three cadets were found guilty of cheating and toleration, twelve of toleration only, two of cheating, stealing, and toleration, one of cheating only, and one of both lying and toleration.

3. In AY 1972–73, three fourthclass cadets were found guilty of academic cheating and resigned. Two of them collaborated on a mechanics final design project. The third cadet, a roommate of one of the two, later copied some answers from his roommate's notebook without the roommate's knowledge. All three admitted guilt.

4. In AY 1974–75, four thirdclassmen were involved in an incident concerning lying in calling back to the Academy and signing out after an automobile accident. One cadet was found not guilty. Of the three found guilty, one was granted discretion and the other two resigned.

5. In AY 1974–75, four cadets—three fourthclassmen and one secondclassman—were found guilty of lying and resigned. The incident involved lying about knowledge and use of marijuana.

6. In AY 1975–76, seven thirdclassmen were involved in academic cheating. A physics instructor noted marked similarities on several graded pre-lab reports. After checking all the reports, the case was referred to the Honor Committee. Of the seven cadets investigated, five were found guilty of lying and cheating, one was found guilty of cheating only, and one was found not guilty. All those found guilty resigned.

BREAKDOWN OF ALL HONOR CASES

YEAR 1966-67

Class	Total	Not guilty	Guilty with discretion	Guilty without discretion
1st	5	2	1	2
2d	59	5	4	50
3d	17	5	5	7
4th	32	16	5	11
Total	113	28	15	70

The only statistics available on type of violation are for guilty cases (class breakdown unknown):

Lying	10
Cheating	45
Toleration	15

YEAR 1967-68

Class	Total	Not guilty	Guilty with discretion	Guilty without discretion
1st	5	2	1	2
2d	5	2	1	2
3d	7	1	2	4
4th	29	7	3	19
Total	46	12	7	27

The only statistics available on type of violation are for guilty cases (class breakdown unknown):

Lying	17
Cheating	9
Toleration	1

YEAR 1968-69

Class	Total	Not guilty	Guilty with discretion	Guilty without discretion
1st	11	4	3	4
2d	9	8	------------	1
3d	20	6	2	12
4th	30	7	3	20
Total	70	25	8	37

The only statistics available for type of violation are for guilty cases (class breakdown unknown):

Lying	20
Cheating	11
Stealing	4
Toleration	2

YEAR 1969-70

Class	Total	Not guilty	Guilty with discretion	Guilty without discretion
1st	9	4		5
2d	11	3	3	5
3d	20	7	2	11
4th	25	6	4	15
Total	65	20	9	36

The only statistics available on type of violation are for guilty cases:

Class	Lying	Cheating	Toleration	Stealing and lying
1st	2	2		1
2d	3	2		
3d	6	5		
4th	7	4	4	
Total	18	13	4	1

YEAR 1970-71

Class	Total	Not guilty	Guilty with discretion	Guilty without discretion
1st	6	4	2	
2d	8	5		3
3d	15	5	1	9
4th	19	6	3	10
Total	48	20	6	22

Class	Not guilty			Discretion		Guilty			
	Lying	Cheating	Stealing and lying	Lying	Cheating	Lying	Cheating	Stealing	Toleration
1st	3		1	2					
2d	3	2				3			
3d	1	4			1	3	4	2	
4th	4	2		2	1	3	5	1	1
Total	11	8	1	4	2	9	9	3	1

YEAR 1971-1972

Class	Total	Not guilty	Guilty with discretion	Guilty without discretion
1st	10	7		3
2d	50	5		45
3d	30	11	3	16
4th	25	12	3	10
Total	115	35	6	74

Class	Not guilty					Discretion		
	Lying	Cheating	Stealing	Lying and toleration	Lying and cheating	Lying	Cheating	Lying and stealing
1st	3	3	1					
2d	2	3						
3d	7	2	1	1			2	1
4th	6	4	1		1	1	2	
Total	18	12	3	1	1	1	4	1

Class	Guilty								
	Lying	Cheating	Stealing	Toleration	Lying and toleration	Cheating and toleration	Lying and stealing	Lying and cheating	Stealing, cheating, and toleration
1st	1	2							
2d	3	2	1	12	1	23	1		2
3d	8	6	2						
4th	5	4						1	
Total	17	14	3	12	1	23	1	1	2

YEAR 1972-73

Class	Total	Not guilty	Guilty with discretion	Guilty without discretion
1st	10	5	1	4
2d	8	3	1	4
3d	7	3		4
4th	34	3	10	21
Total	59	14	12	33

Class	Not guilty			Discretion		Guilty				
	Lying	cheating	Lying and cheating	Lying	Cheating	Lying	Cheating	Stealing	Cheating and lying	Lying and stealing
1st	2	2	1	1		1	3			
2d	1	2			1	2	2			
3d	1	2				1	3			
4th	2	1		6	4	6	9	1	4	1
Total	6	7	1	7	5	10	17	1	4	1

YEAR 1973-74

Class	Total	Not guilty	Guilty with discretion	Guilty without discretion
1st	15	2	1	12
2d	12	4	1	7
3d	13	3	3	7
4th	30	6	5	19
Total	70	15	10	45

Class	Not guilty			Discretion			Guilty					
	Lying	Cheating	Stealing	Lying	Cheating	Cheating and lying	Lying	Cheating	Stealing	Toleration	Lying and cheating	Lying and stealing
1st	2				1		7	2	2	1		
2d	4					1	3	2	1		1	
3d	1	1	1	1	2		3	1	1		2	
4th	2	4		2	3		5	9			4	1
Total	9	5	1	3	6	1	18	14	4	1	7	1

YEAR 1974–75

Class	Total	Not guilty	Guilty with discretion	Guilty without discretion
1st	24	10	3	11
2d	33	4	17	12
3d	42	10	13	19
4th	76	18	11	47
Total	175	42	44	89

Class	Not guilty					Discretion			
	Lying	Cheating	Stealing	Stealing and lying	Cheating and lying	Lying	Cheating	Stealing	Lying and Cheating
1st	8	1	1			1		1	1
2d	2	2				13	2	2	
3d	2	5	2	1		7	5		1
4th	11	5			2	4	5		2
Total	23	13	3	1	2	25	12	3	4

	Guilty					
	Lying	Cheating	Stealing	Toleration	Stealing and lying	Cheating and lying
1st	8	1	2			
2d	9		2		1	
3d	6	6	4	1	1	1
4th	23	18	1			
Total	46	25	9	1	2	6

YEAR 1975–76

Class	Total	Not guilty	Guilty with discretion	Guilty without discretion
1st	8	1	3	4
2d	13	6	2	5
3d	45	13	5	27
4th	64	22	13	29
Total	130	42	23	65

Class	Not guilty					Discretion			
	Lying	Cheating	Stealing	Toleration	Lying and cheating	Lying	Cheating	Stealing	Lying and cheating
1st	1					2	1		
2d	2	3	1			1		1	
3d	7	6				4	1		
4th	9	10		2	1	8	4		1
Total	19	19	1	2	1	15	6	1	1

Class	Guilty					
	Lying	Cheating	Cheating and lying	Stealing and cheating	Stealing and lying	Lying, stealing, and toleration
1st	3	1				1
2d	3		1			
3d	11	7	8	1		
4th	12	14	2		1	
Total	29	22	11	1	1	1

General ALLEN. As to the specifics on this particular case, the Board testimony revealed that near taps on Monday the 26th of April four of these cadets entered a fifth cadet's room at different times to discuss a physics prelab due the next day. Gradually the discussion became verbatim copying of the problems on the homework. Most of the papers correlated with another cadet's paper, the format of several problems in several written answers being exactly the same as his paper. It was quite clear to the Board that the other cadets most likely had his paper in their possession during the time they had cooperated on the prelab experiment.

Senator NUNN. What other kinds of group collaboration or cheating or lying or stealing have happened during your 2 years?

General ALLEN. Those were the only cases—or that is the only case.

Senator NUNN. When was your last big massive Air Force cheating problem?

General ALLEN. There was an incident in 1972 that involved 39 cadets being found guilty.

Senator NUNN. Why don't you walk us through that, if you would. We don't want names, and we don't want to violate any of your rules about disclosure, we just want to know the situation and the facts as they existed without doing that.

General ALLEN. The most unique aspect of that incident was that it involved only members of the class of 1973. They were second classmen at the time, or juniors.

While it is not attributable to any single factor, it is perhaps significant in that it mirrored closely the experience of the 1967 incident at the Academy, in which, of 46 cadets who resigned for honor violations, 43 were second classmen.

Senator NUNN. How many were involved in this 1972 incident?

General ALLEN. There were 39 that were found guilty, sir. Twenty-three of them were concentrated in three squadrons.

Senator NUNN. Let me ask you this question. How did that come to light? Did somebody confess on a voluntary basis, or was there someone who did not tolerate and turned in fellow cadets? What brought the incident to light before the Honor Committee?

General ALLEN. The precipitating factor in that one involved a case which was going before an Honor Board, the evidence being stolen from the honor representatives immediately before the hearing.

Senator NUNN. The Honor Board already had some inkling of this, and some evidence——

General ALLEN. And as they investigated it in more detail, they found others involved.

Senator NUNN. Was there anyone who came up under the toleration clause and turned in their fellow cadets?

General ALLEN. Sir, I can't say specifically. I will have to provide that for the record:

[The information follows:]

The information that brought the 1972 cheating incident to light did not surface because of the non-toleration clause of the Honor Code. The investigation which eventually uncovered that situation was prompted by a cadet being processed out of the Academy after resigning due to an unrelated honor violation. This individual reported a conversation he had overheard which indicated that the cadets involved were members of a group of honor violators.

Senator Nunn. I want to come back. I have a couple of more minutes. I want to come back and go into detail on this particular episode.

The question I have now, during your 2 years as Superintendent have you had any cases where cadets turned another cadet in under the nontoleration clause?

General Allen. Oh, yes, sir.

Senator Nunn. How frequently does that occur?

General Allen. Let me give you some very precise statistics on that which I brought with me.

During 1975–76, the academic year that we just completed, 45 percent of the cases that went to honor hearings, regardless of whether guilty or not guilty, discretion, or what have you, were turned in by other cadets. Thirty-three percent of them were turned in by an officer or noncommissioned officer of the staff and faculty. Twenty-one and one-half percent were self-reported.

Senator Nunn. So the largest percentage of cases turned in is by the nontoleration clause?

General Allen. That is correct.

Senator Nunn. In your 2 years?

General Allen. That is correct.

Senator Nunn. Senator Bartlett, why don't you take it from there. I have used my time.

Senator Bartlett. I was just going to suggest you obtain from the general the numbers in addition to that percentage.

General Allen. I have the numbers here, sir, there were 59 cases that were turned in by other cadets; there were 43 cases turnd in by officers and NCO's, staff and faculty, and; there were 28 self-reported cases.

Senator Bartlett. Could you say then what happened with those cases?

General Allen. Yes, sir, I sure can.

That was a total of 130 cases—130 honor hearings, if you will. Out of that 130, 42 were found not guilty and 23 were found guilty, but discretion was recommended. Sixty-five were found guilty without discretion. Of those found guilty without discretion, 30 of the cadets resigned at the end of the hearing. Thirty-three initially declined to resign. And there were two, to keep the figures straight, that resigned for other reasons. In some cases there were resignations in process before the honor hearing came up.

Of the 33 cases where the cadets initially declined to resign, 23 of them resigned after or pending the officer investigation process or were disenrolled for academics. Four of the cases were investigated by an officer, an independent investigation, and the cases were dropped because there seemed to be a lack of evidence to warrant sending them before the Board, and the cadets remained in the wing in good standing.

Six cases were referred to a board of officers. There were found guilty, and three were found not guilty by the board of officers.

Senator Bartlett. Will you list the discharges that were made. I am particularly interested to know how many were for academic violations.

General Allen. Yes, sir. These numbers will not total up, because in some cases there was more than one violation involved. However, 52 percent involved lying.

Senator BARTLETT. How many was 52 percent?

General ALLEN. Forty, thirty-three, or 42.8 percent, involved cheating.

Senator BARTLETT. Cheating on examinations, or cheating otherwise?

General ALLEN. Cheating on examinations, tests, plagiarism, or whatever. It is all in academics, in other words.

Senator BARTLETT. It would all be in academics?

General ALLEN. Yes, sir.

And there were three cases of stealing.

Senator BARTLETT. Did I understand earlier, in response to a question by the chairman, that you did not use the honor code in areas other than academics—or I think you actually said that wasn't used to enforce the regulations of the Academy.

General ALLEN. That is correct, that is what I said, sir.

Senator BARTLETT. But obviously it goes beyond the classroom, because stealing is involved, and I don't suppose that there were very many accusations of stealing an examination?

General ALLEN. Sir, it goes well beyond the classroom and well beyond the Academy. The honor code is in effect for a cadet whether he is home on leave, at the Academy, or wherever.

Senator BARTLETT. Could you describe briefly just the extent of it beyond the classroom and beyond classroom work?

General ALLEN. Yes, sir. When a cadet signs out that he is going on an authorized privilege to an officer's house or someplace of that nature, or is authorized the privilege to go to Colorado Springs, if he signs out to go to Colorado Springs that means he is going to Colorado Springs, and he is not going to Denver or Chicago or something of that nature. He has given his word by such signature that he is going to do what that signature indicates. That is an example.

Senator BARTLETT. Without going into all the comparative statistics, could you give me, though, a feel for the comparison of this last academic year's record with previous years. Perhaps you can do that with just the number of violations reported and the number of cadets expelled.

General ALLEN. Yes, sir, I certainly can.

Senator BARTLETT. And particularly those who would be expelled for cheating in academics.

General ALLEN. In comparison with the previous academic year, we had a somewhat smaller number of hearings this year. As I indicated, there were 130 honor hearings this year. In the academic year in 1974–75 there were 175 hearings. So there was a significant decrease in the number of hearings this year.

Cases found guilty without discretion, as I indicated, were 65 this year compared to 89 last year.

Last year there were eight boards of officers compared to the six this year. In the eight boards of officers last year there were three where the cadets were found not guilty, and five where the cadets were found guilty.

It is probably better, Senator Bartlett, in some respects to talk percentages, because the size of the Cadet Wing has changed and fluctuated through the years. And if you talk in absolute numbers it tends to be a litle bit misleading sometimes. For example, the enrollment at the Air Force Academy during the earlier years was about half of what it is now. So one would expect to find a smaller number of cases, and so forth than we do now.

Senator **Bartlett**. And the enrollment for the last several years would be fairly constant, would it not?

General **Allen**. It has increased a little bit for the last 2 years, it is a little bit higher than it has been. One of the things we have been doing, as a matter of fact, is trying to keep filled up. It is more economical to do that. We are right up against the statutory ceiling now.

Senator **Bartlett**. Are you satisfied with those numbers? Do you think the system is working well and it can work? Do you think it can be improved?

General **Allen**. I wouldn't want to use the term satisfied with them. I think I am comfortable with the figures. You regret very much having one individual get in trouble with the honor code. But being realistic, there are going to be some that do get in trouble with it. It seems to me that if you have high standards in your honor code and you maintain those high standards, it is probably unlikely that you are going to have a serious honor incident with large numbers involved. So I see the current statistics as indicating that the cadets are indeed upholding and watching the honor code, and guarding it somewhat jealously, as a matter of fact. And in that context I am satisfied with it. I am pleased with it.

On the other hand, I regret very much that any individual gets in trouble with the honor code. It is an unfortunate situation.

Senator **Bartlett**. Thank you very much, General Allen.

I find that I will make a quorum at the Interior Committee. And I have an amendment up. So I am going to have to leave.

I do have some questions, General Allen, that I would like to submit to be answered for the record.

General **Allen**. Yes, sir.

Senator **Nunn**. Pursuing that line of questioning for a moment, General, you mentioned that the honor code was not just applicable while a cadet was at the Air Force Academy, but it was also carried with him when he went home. What kind of honor violations have occurred during your 2 years by cadets who were home on leave?

General **Allen**. Sir, there is one—and I am smiling because it is kind of an interesting one—a cadet used certain justifications to his father while he was on leave to gain access to a mountain cottage or lodge which was owned by the family. It turned out he didn't use it exactly the way he told his father, and when he got back to the Academy his conscience got to him a little bit and he reported himself for lying to his father. The facts were clear, he had misled or deceived his father on the use of that cottage. He was found guilty, but it was obvious from the circumstances that he was an honorable young man, and that he had learned from the incident. The honor committee recommended discretion, and of course it was approved. That is an example which comes quickly to mind.

Senator **Nunn**. Did you make it public? Did you tell his father?

General **Allen**. No, sir. A summary is written and distributed throughout the Wing, and to me. And I read every one of these summaries very, very carefully from every hearing. But in cases of that nature he is not identified as to who he actually is. I know who he is, but it is not put on the summary. And he is not embarrassed in that fashion at all.

Senator **Nunn**. If another cadet had observed or known that he had lied to his father, would he have been under obligation to report that to the honor committee?

General **Allen**. Yes, sir, he would have, or his first responsibility would have been to talk to the individual and make sure the individual reported it to the honor representative.

Senator **Nunn**. You have really three choices, as I understand it. Once you are a cadet, and you observe some suspected violation, you can either counsel with the particular suspected violator, and if you find that your suspicion is not warranted, you can at that point terminate it without any report to anyone?

General **Allen**. That is correct.

Senator **Nunn**. That is choice A. B would be that you can counsel with him and determine that there are still grounds for supicion, and request that he turn himself into the honor committee and discuss it with them.

General **Allen**. That is correct.

Senator **Nunn**. I understand subpart 1 under B is that you have to pursue it to the point of knowing that he has done that?

General **Allen**. That is correct, yes, sir.

Senator **Nunn**. And C is that you can turn him in yourself to the honor committee?

General **Allen**. That is correct.

Senator **Nunn**. Now, let me ask you this. What happens if you observe this malfeasance or some suspected violation and you don't take either A, B, or C as a route? Have you then violated the toleration clause?

General **Allen**. Yes, sir, you have.

Senator **Nunn**. Are you then subject to expulsion?

General **Allen**. Yes, sir, you are.

Senator **Nunn**. Are there extenuating circumstances under that which would be conducive to the granting of discretion?

General **Allen**. There certainly could be, yes, sir.

Senator **Nunn**. Would you give us an example of what the extenuating circumstances would be? In other words, what is an excuse for not complying strictly with one of the options of the nontoleration clause?

General **Allen**. As indicated in my statement, there are really four things that are involved here. And the last one is probably the most important.

First, how long has the individual been at the Academy and been under the honor code? Has he been there only a few months and not really understand in detail? In such case discretion would be appropriate.

Second, has he been under undue pressure of some sort? It is hard for me to imagine what kind of pressure would be involved here, but there could be.

Third, was the case self-reported? One might have a situation, for example, where an individual reports himself for having observed cheating back 1 or 2 years ago and not doing anything about it. He realizes that it has been gnawing on him, and it would never come to light otherwise, but he decides that the right thing to do is report himself for having tolerated it. In a situation like that I am quite confident he would be granted discretion.

Senator NUNN. I think you have just hypothetically described an exact sitution that has occurred at West Point. I know you haven't tried to do that.

General ALLEN. I don't have those kinds of details on it.

Senator NUNN I know that. But hypothetically, if a person had tolerated cheating by not reporting it in the past, but then had a pang of conscience and decided that he would turn himself in, and also report violators, and did so, would you think that would be, a case where the Air Force would in all likelihood grant discretion?

General ALLEN. Based on what you say, yes sir, although I would not want to relate that specifically to the West Point situation, because I am not that familiar with it.

Senator NUNN. What percentage of your honor violations relate to cadets when they are not at the Air Force Academy? Do you have any statistics on that? In other words, what percentage would be related to when they are at home?

General ALLEN. I don't have statistics on it, but it would be less than 1 percent; it is the rare case.

Senator NUNN. Carrying the nontoleration clause one step further, if you are a cadet and you have not observed cheating, you don't know anything about cheating, but another cadet tells you that he does know something about it, and you have reason to believe that he is tolerating it, do you have an obligation under the nontoleration clause to turn in a tolerator as opposed to a cheater, liar, or stealer?

General ALLEN. I think you probably would, sir. But I think the way that would work is that you would talk to the individual who says that he knows something about it and say, "Go report this to your honor representative, because if you don't I must."

Senator NUNN. As a practical matter that is the way it would be handled?

General ALLEN. Yes, sir.

Senator NUNN. But you would theoretically have that obligation, if he refused to do it and said, no, I am not going to turn them in, you have the obligation to turn him in as a violator of the honor code?

General ALLEN. Theoretically, yes, sir.

Senator NUNN. Has that ever happened?

General ALLEN. Not since I have been there. And I am not aware of any other cases.

Senator NUNN. General, we have a vote on. There are no other members present, and I will be coming back. We will recess for approximately 10 minutes, and then convene again.

[A short recess was taken.]

Senator NUNN. General, pursuing that point about the conduct of cadets away from the Academy, it is pretty clear that it is a violation to lie to anyone, your immediate family, or any other person, is that right?

General ALLEN. That is correct, yes, sir.

Senator NUNN. Now, does that also carry through into the Air Force career? Suppose you as a general observe another Air Force officer lying to his wife, and you know it is a lie, what is your duty to that Air Force officer?

General ALLEN. I think it would depend upon the circumstance, sir. Part of the honor code recognizes such things as tact. A cadet who comes over to my house for dinner and my wife serves pork chops and he doesn't like pork chops is still likely to tell my wife that he enjoyed the meal very much. That is tact, and that is understood.

Similarly, if a lady asks, how do you like my new hat, the individual may think that it is an absurd looking hat on the woman, but he is going to be tactful and say it looks very nice.

Senator NUNN. Let's take the same example that you posed with the cadet telling his father he was going to use the cottage for a purpose and the purpose was wrong. Let's assume that the officer told his wife that he was going to go away to go hunting one day to a cabin and he really had another purpose in mind when he went to the cabin and he knew about it. Let's put that on the same hypothetical basis as the cadet, then what is your story? I am not talking about a frivolous story, I am talking about the real thing.

General ALLEN. I think that such actions, if the individual worked for me, would reflect upon my impression of that individual, and my impression of his responsibility and his integrity. It would depend upon the circumstances, of course. But very likely it could be made a matter of official record or influence the effectiveness report that he received. If it were something more significant, then more direct action might be required. I am familiar with cases in the Air Force where that has happened, as a matter of fact.

Senator NUNN. Where there were lies told intentionally that had nothing whatsoever to do with their duty in the Air Force or the officer?

General ALLEN. Those which I call to mind have to do with official duties, as a matter of fact.

Senator NUNN. Do you know of any instance in your career in the Air Force where there has been a lie told that was reported on another officer that vitally affected his promotion or his career that had nothing whatsoever to do with his Air Force duties?

General ALLEN. No, sir.

Senator NUNN. Do you know of any, General Beck?

General BECK. No, sir, I do not.

Senator NUNN. Does that mean, then, that we have a different standard for cadets than we do for regular officers in the Air Force?

General ALLEN. Sir, I would hope not. I think that we at the service academies, at the Air Force Academy, are creating an environment of integrity, complete honesty, which is intended to carry over into the Air Force. The Air Force views on that thing, I think, were very well put, certainly better than I could state, in a wire that was put out to all commands by General Ryan in 1972. If you would care to, I will take a minute to read the contents of this wire to the entire Air Force. It was a message by the Chief of Staff on the subject of integrity:

> Integrity, which includes full and accurate disclosure, is the keystone of military service. Integrity binds us together into an Air Force serving the country. Integrity in reporting, for example, is the link that connects each flight crew, each specialist, and each administrator to the Commander in Chief. In any crisis, decisions and risks taken by the highest national authorities depend in large part on reported military capabilities and achievements. In the same way, every commander depends on accurate reporting from his forces. Unless he is positive of the integrity of his people, a commander cannot have confidence in his forces. Without integrity, the Commander in Chief cannot have confidence in

> us. Therefore we may not compromise our integrity, our truthfulness. To do so not only is unlawful, but also degrading. False reporting is a clear example of a failure of integrity. Any order to compromise integrity is not a lawful order. Integrity is the most important responsibility of command. Commanders are dependent on the integrity of those reporting to them in every decision that they make. Integrity can be ordered, but it can only be achieved by encouragement and example.

I was reading that, sir, from the Honor Reference Handbook of the Air Force Cadet Wing. It is an indication that we are attempting to provide in the training of our cadets the same levels of integrity that we expect of our officers after they get out into the Air Force.

Senator NUNN. What I am really asking is, do you really expect that degree of integrity for your officers? I certainly don't in any way disagree with that goal or aspiration. How long have you been in the Air Force?

General ALLEN. I have been in the Air Force since I graduated from West Point in June 1948.

Senator NUNN. So that would be about 28 years?

General ALLEN. Twenty-eight years, yes, sir.

Senator NUNN. And in 28 years there has never been, in your remembrance, any single incident where an Air Force officer has been disciplined for any action taken in terms of lying outside of the regular Air Force duties. It is pretty unlikely that that is a very common occurrence, isn't it?

General ALLEN. I am saying that I don't recall a specific incident. I am sure that there have been incidents where action has been taken, and with appropriate research they could be provided for the record.

Senator NUNN. I am not saying or suggesting we should decrease the standards at the Air Force Academy. I am suggesting that perhaps we should increase the standards in the military itself.

General ALLEN. I would have no quarrel with that, sir. It seems to me that the higher the standard we can possibly get, the better off we all are. Of course, the Air Force Academy is quite new—we graduated our first class in 1959. We have no general officers out of the Air Force Academy yet, but have 28 graduates who have achieved the rank of full colonel, and we will have a general or more in the next few years. I tend to think, as we continue to graduate more of our Air Force Academy graduates out into the Air Force, that we will help in improving those sorts of standards. I don't mean to imply that I think those kinds of standards are low right now, because I don't think they are. I think there is a high degree of integrity in the officer corps of the Air Force.

Senator NUNN. There may well be a difference in theory and practice in the Regular Air Force, whereas in the Air Force Academy, it seems that theory and practice really come together.

General ALLEN. Yes sir, I think they come together very well in the Air Force Academy.

Senator NUNN. But there is a real question about whether that happens to the degree of strictness in the real Air Force; wouldn't you agree with that observation?

General ALLEN. I think to the same degree, yes, sir, there is some question.

Senator NUNN. General, the Air Force honor system differs from West Point's, as we discussed a little while ago, in the specifics and the procedures under the nontoleration clause. That degree of difference is not really very great between West Point and the Air Force, but in terms of the punishment or the sanctions, the Air Force Academy does have a degree of discretion, whereas West Point does not. Would you give us the rationale for that degree of discretion? What is your reason for it, and do you think that it strengthens the honor code in general and the nontoleration clause in specific?

General **Allen**. Certainly, in my judgment, the discretion clause strengthens the code as it is applied at the Air Force Academy to a significant degree. It recognizes such things as inexperience under the code and undue pressure. It also recognizes that an individual can make a mistake, can regret that mistake, and resolve to live honorably in the future, probably with a stronger sense of personal integrity than he started out with in the first place, by virtue of whatever the incident was. And in such cases, it allows the code to recognize the violation of the code, but without jeopardizing the future of the individual. And I think that that adds quite a bit to it.

We had a situation last year, Mr. Chairman. There is a group in Colorado Springs called the Navigators, which is somewhat of a religious group focusing its efforts on young people. It is a fine group, as a matter of fact, and a number of our cadets became closely identified with this Navigator group in town. That led to a large number of self-reported honor violations—such as the one I think I discussed earlier this morning—where a senior reported himself for something that he had done as a freshman. It allows an individual who has made a mistake, and only he knows about it, to clear his conscience, if you will. Which I think is very, very useful. It makes the code a more human, more compassionate code. And yet at the same time the individual who transgresses the code, and it is clear that there is no indication that he has learned by the situation, and has resolved to live honorably in the future, and there were no extenuating circumstances, is dealt with.

Senator **Nunn**. Is there any limit to the number of discretions that can be granted to a single cadet?

General **Allen**. No, sir, there is not.

Senator **Nunn**. So if the extenuating circumstance existed in more than one case, there is no limit—you have got one discretion, and that is it?

General **Allen**. No, sir.

Senator **Nunn**. What is your view of the relationship between this discretion and the cadets' compliance, respect, and adherence to the nontoleration provision? It seems to me that there would be a very direct relationship between the nontoleration adherence and respect by cadets and the fact they realize that under extenuating circumstances their buddies or their friends or their roommates would be dealt with in a human, understanding way with real justice.

General **Allen**. Sir, in practice I don't believe that there is that direct relationship. I believe it is more of an indirect relationship. An individual who lies, cheats or steals, for example, and who is brought before an honor hearing by virtue of someone else's seeing him do it, and causing him to report himself, or reporting the individual separately, that type of a case is really not very likely to get discretion, unless there were other extenuating circumstances associated with it. It seems to me that in an indirect sense the feeling of compassion, if you will, the feeling of objectivity associated with the code by virtue of having discretion, makes it a code that all cadets can embrace wholeheartedly, or almost all, as opposed to something that is hard and fast, up or out. You make a mistake, and you can't even ever self-report it because if you do you are going to be disenrolled. So I really think it is more of an indirect than a direct relationship. But I think the indirect relationship is very significant and important.

Senator **Nunn**. Well, asking it another way, what would be the effect if you didn't have a discretion clause in your honor code? What do you think would be the effect at the Air Force Academy on the honor code?

General **Allen**. It is hard for me to say, sir. I think we would miss it very much. I would be speculating. The discretion clause was voted in by the cadet wing in 1961. And the Air Force Academy has lived very comfortably with that discretion clause from 1961 until the present time. It is really hard for me to speculate on what would be the effect if we didn't have it. I think we would all regret it very much.

Senator **Nunn**. What percentage of the cadets voted for that? What percent do you require to implement a fundamental change in the honor code?

General **Allen**. Sir, I cannot answer that question. I don't know what percentage that was.

Senator **Nunn**. Do you know that, General Beck?

General **Beck**. No, sir, I don't exactly.

Senator **Nunn**. Suppose they were going to eliminate the discretion at this point, do you know what percentage of the vote would be required under your honor code?

General **Beck**. I don't. It is not formalized. What would happen, the honor committee would discuss the issue, and realize that they had an issue that they would need to bring before the wing. And as representatives of the wing they would decide what the guidelines should be, and then proceed accordingly. It is not formal.

Senator **Nunn**. The vote of the cadets is not binding, it is advisory, and it would be decided by the honor committee, is that right?

General **Beck**. The honor committee considers themselves as representatives of the wing.

Senator **Nunn**. If the Air Force cadets decided that they wanted to change the honor code, and they voted to change it, is that advisory in nature? Who has the final decisionmaking on the honor code? What is the legal procedure?

General **Beck**. The wing itself would make the decision.

General **Allen**. I might add, sir, they would get a lot of counsel and advice not only from the Commandant, but also myself.

Senator **Nunn**. What is the legal mechanism by which the honor code can be changed?

General **Allen**. The legal mechanism would be for the cadet honor committee to put before the cadet wing the proposed change and have them vote on it.

Senator **Nunn**. If you don't know of a two-thirds vote or a two-thirds requirement, it probably would be a majority vote, would that be a fair assumption?

General ALLEN. I think in all possibility, sir, that the honor committee would make recommendations, very strong recommendations, as a matter of fact, as to what vote might be required to effect the change in that particular proposal. And I think it would be done on a case-by-case-type basis. Once again, I think there would be a certain amount of advice and counsel provided by the Commandant and the Superintendent to the cadet honor committee before we undertook such a thing.

Senator NUNN. Perhaps you or your counsel could furnish for the record the actual legal mechanism so that we will have that as part of our report by which the honor code could be changed.

General ALLEN. Yes sir.

[The information follows:]

The Honor Code belongs to the Cadet Wing and is interpreted and administered by the cadets. No mechanism or procedure has been formalized for changing the basic provisions of the Code, although on five occasions in the twenty years it has been in force, issues have been taken by the Honor Committee to the Wing for a vote. Existing records do not reveal that a minimum vote was prescribed for passage, but in at least two cases the standards of "substantially more than a majority" or "a clear majority" were expressed. In the two cases where a proposal was passed and the vote is known, the majorities were 64 percent and 78 percent.

Senator NUNN. Senator Hart is here this morning. He is a member of our full committee, and he is also a member of the Board of Visitors of the U.S. Air Force Academy. I am sure that, as the Senator from Colorado, he would probably like to make a statement or ask some questions. At this point I will call on him.

Senator HART. I would go in order after Senator Bartlett.

Senator NUNN. We have been around one time already.

Senator Bartlett, do you want to go ahead?

Senator BARTLETT. Either way.

Senator NUNN. If you have a statement you would like to make we would be glad to have you make it after Senator Bartlett.

Senator Bartlett.

Senator BARTLETT. Thank you, Mr. Chairman, and the Senator from Colorado.

General, how much input does the corps have in the honor system itself?

General ALLEN. The cadet wing is represented by their 40 elected honor representatives, 1 from each squadron, plus the second class representatives or juniors, also 1 for each squadron. So there are a total of 80 members. As I pointed out in my original statement, the juniors, the second classmen, are somewhat in an apprentice-type status, whereas the seniors actually conduct the affairs of the honor committee. I think the cadet wing has a great input through their elected representatives. There are squadron meetings every week, and in just about every squadron meeting some matters associated with the honor code do come up. Recent cases, for example, are discussed and explained. Any problems that come up associated with the administration of the cadet honor code are discussed and explained. Through their elected representatives, the members of the cadet honor committee, the cadet wing has a large input and large influence.

Senator BARTLETT. Do they consider that the honor code is their code?

General Allen. That is correct, yes, sir.

Senator Bartlett. How was it adopted originally?

General Allen. It was adopted by a vote of the cadet wing in 1956, after a 1-year trial of living under the code. In 1961 the discretion clause was added by the cadet wing.

Senator Bartlett. Which did not exist prior to that?

General Allen. That is correct.

Senator Bartlett. Could you get us the votes, the actual votes or percentage of cadets that voted in favor of any vote that has occurred on the basic provisions of the code?

General Allen. Yes, sir, I certainly will.

[The information follows:]

There have been five votes held by the cadet wing pertaining to the basic provisions of the honor code.

Year	Issue	Vote
1956	Initial adoption of honor code	A clear majority for.[1]
1960	Adoption of "Second Chance" provision	938 to 702 against.
1961	To "consider" adoption of "discretion"	1,319, to 754 for.
1961	Adoption of "discretion" limited to self-reported cases in 1st semester	A clear majority for.[1]
1965	To lift specific criteria for "discretion," leaving decision to vote of Honor Board.	1960 to 560 for.

[1] Actual vote not recorded or not available.

Senator Bartlett. Has there been any vote on the code in any way recently?

General Allen. Not in my experience in the 2 years I have been Superintendent, no sir.

Senator Bartlett. You stated that the cadets had an indoctrination period of 16 hours in the honor system itself?

General Allen. Yes, sir.

Senator Bartlett. Is that conducted by cadets?

General Allen. It was conducted by cadets and supervised by officers.

Senator Bartlett. Do you feel that it is important that it be conducted by cadets?

General Allen. Absolutely, yes, sir.

Senator Bartlett. Why do you feel that way?

General Allen. Because it is a cadet honor code. It is administered by the cadet wing. It is very, very important that it be a cadet honor code, as a matter of fact, and that it be administered by the wing. In that context, it seems to me to be very, very important that it be instructed by the cadets.

One of the things that it seems to me that one must work very, very hard to avoid is a we-they relationship between the cadets and the administration at the Academy regarding the honor code, or anything else, for that matter, but particularly with regard to the honor code. It should be an us relationship, not a we-they relationship.

Senator Bartlett. Would you consider that the honor code would work without overwhelming support by the cadets?

General Allen. No, sir, I do not think it would work without overwhelming support by the cadets.

Senator BARTLETT. They have, as I understand your remarks, a trial period during the summer.

General ALLEN. Yes, sir.

Senator BARTLETT. They operate, I suppose, under the code, but without full responsibility to the code?

General ALLEN. Well, we do not consider that they are under the honor code during that first 6 weeks of training. We expect them to live according to it, but they aren't under it.

Senator BARTLETT. They are not bound by it?

General ALLEN. That is correct.

Senator BARTLETT. How do they assume a position of being bound by it? Do they actually sign a pledge?

General ALLEN. They do not actually sign a pledge, sir. However, there is a formal ceremony conducted by the chairman of the cadet honor committee during which they all raise their right hand and take an oath to live under the honor code.

Senator BARTLETT. So they take a formalized action?

General ALLEN. That is correct.

Senator BARTLETT. And swear that they do pledge themselves to support the honor code?

General ALLEN. That is correct.

Senator BARTLETT. Does that include the provision that they would report violations?

General ALLEN. Yes. sir. As a matter of fact, I can read you their oath if you would like. It is not very long.

Senator BARTLETT. Yes. I would like to have that in the record.

General ALLEN. "I"—and then the individual gives his name—"about to become an accepted member of the cadet wing, do solemnly swear that I will accept my responsibility to live by the honor code, that I accept this code fully without any mental reservation or fraudulent purpose, that I am prepared to take full responsibility for my actions, and that I will not lie, steal or cheat, nor tolerate anyone in the cadet wing who does, so help me God."

Senator BARTLETT. The toleration clause, does that clearly mean to a cadet who makes the pledge that he would report any violations?

General ALLEN. That he would take action to see that they are reported, and more likely reported by the suspected individual.

Senator BARTLETT. I see. In other words, he would see that it was reported by the suspected individual, or if not, by himself?

General ALLEN. That is correct, yes, sir.

Senator BARTLETT. And you stated earlier that you would consider that a very strong basic part of the honor system in making the code work?

General ALLEN. Absolutely, sir. As a matter of fact, without that it seems to me that one would have the we-they relationship which I commented on just a few minutes ago.

Senator BARTLETT. What type of examinations do you have at the Academy? Do you have the true-false? Do the instructors and teachers take into consideration the kind of exposure that there might be to cheating or some kind of examinations over other kinds of examinations? For example, we learned from the Naval Academy, which is an engineering school, a very fine engineering school, that the examinations are very complicated, and it would be very difficult to cheat on such an exam, whereas perhaps the true-false questions would be rather easy to cheat on in comparison. So do you feel that the type of examination given is important? One argument on that side could be made that certainly keeping the incidence of cheating low is important to all students, particularly those who don't cheat. On the other hand, you could put up the argument that we don't want to make it easier for them, and we might even want to test them, and we think that an example on which there could be easy cheating would be a proper test of a cadet.

General ALLEN. Well, sir, throughout our various academic programs—and I would say that we also consider ourselves to be a very fine engineering school—throughout all of our courses I think one would have to say that we have all types of examinations, subjective, true-false, multiple choice, development of computer programs at one extreme, to a simple essay question at the other extreme. We have all types.

With regard to your other point, certainly I do not think one should put undue temptation in front of anyone. It tends to be entrapment. On the other hand, with no temptation whatsoever, it would be hard to say how you would even need an honor system of any type if it were policed to that extent. We do not have that type of policing. We do not think it is necessary. We do not find it necessary.

Senator BARTLETT. I wasn't talking about policing from a proctorial point of view, and supervised exams, but I was talking about the type of examination.

General ALLEN. As I say, we have all types of examinations, Senator.

Senator BARTLETT. Does the honor committee feel that it has a feel for the cadets in the wing as to whether or not the system is working well, or whether there is a lot of cheating? Do they try to evaluate this from their own observations, or perhaps from those of others?

General ALLEN. I think they do, and I think all the cadets do, particularly now with all the media attention, and so forth.

Last Saturday I was in Minneapolis and I met with a very active parents group we have there. We have 55 parents clubs around the United States and we try to meet with all of them periodically. This particular function was the Minneapolis-St. Paul Appointee Luncheon. Present were 30 to 35 Air Force appointees who were coming in next Monday in the class of 1980 together with 200 parents. Also present were six or eight cadets who happened to be in the Minneapolis area on leave. During the course of this meeting the appointees and the cadets went into a separate room where these appointees could ask questions of the cadets. Several questions had to do with the honor code, because those appointees have been reading the newspapers and seeing that the attention has been focused on it.

One first classman, a senior who was there, a cadet who doesn't happen to be a member of the honor committee, answered the questions in a way that made me feel proud. He told them, "look, it is not a set of rules, it is a way of life." Then he went on to say, "in my 3 years there I have never seen, or had personal knowledge of, an individual who lied, cheated or stole, other than what has come up through the honor committee. And I want to tell you young men and women, (and there were two young women appointees who were there) that it is a great way of life." As Superintendent I found it tremendously reassuring to hear one of our cadets, just on the spur of the moment, expound on the virtues of the honor code the way he did to those young people.

Senator **Bartlett**. Is this same kind of enthuisam and support for the honor system and the code passed on to the cadets at the various meetings they have in 16 hours of instruction?

General **Allen**. Yes sir, it is. More than that, as a matter of fact. A brochure is sent to each appointee before he or she ever arrives at the Academy, a brochure that is put together and sent by the Cadet Honor Committee explaining the honor code in precise terms and setting the framework for the instruction that is going to follow.

Beyond that, we have our liaison officers (Reserve officers) throughout the United States that work as our admissions counselors, if you will. We have each of them explain to each appointee the implications and provisions of the honor code, and in fact have both the liaison officer and the appointee send back to us a card which indicates on the part of the liaison officer that he has explained it, and on the part of the appointee that it has been explained to him.

Thus they really start receiving their indoctrination before they arrive at the Academy.

Senator **Nunn**. Senator Hart.

Senator **Hart**. Thank you, Mr. Chairman.

I am sorry I was late. But I want to add my welcome to Superintendent Allen and General Beck.

I think it is self-evident to anyone who has been in the State of Colorado that the people of Colorado are extremely proud of the Air Force Academy. Superintendent Allen, in my judgment—and I think that judgment is shared by most of the people I am proud to represent—combines military professionalism, administrative capability, and academic excellence in a way that furthers the traditions of the Air Force Academy. And I think everyone in the State of Colorado is proud of him and proud of his institution.

So we are pleased to have you here, Mr. Superintendent, and General Beck.

General **Allen**. Thank you, Senator.

Senator **Hart**. We have over the past 3 days of these hearings recognized that there is an honor code and that there is an honor system which implements that code. I feel very strongly, as I know the chairman of the subcommittee does, that the code, in the case of all three academies, is extremely important, and should be perpetuated generally in its present form. It is the system and the implementation of the code that I am more concerned about. And I think what is of obvious interest about the Air Force Academy's implementation of the code is the discretionary element.

I asked the Superintendent of West Point about the obligations, in the area of toleration of the individual cadet. And I would be interested, Mr. Superintendent and General Beck, in your feelings on the obligation of the individual cadet at the Air Force Academy who may have heard a rumor or heard speculation about some violation. What is the obligation on them to carry through, and what should they do?

General **Allen**. With regard to hearing speculation or a rumor, Senator Hart, I think it would have to depend upon the type of speculation or type of rumor that it was they heard. Generally, if there is a strong case or even a less than a strong indication that an individual is in violation of the honor code, then the person who has that indication should take some action to clear up the situation. Normally that action will consist of discussing it with the suspected individual, and that normally clears up the situation if there is no substance to it right there on the spot, and nothing further happens.

Senator **Hart**. But if after that confrontation, the individual feels that there may be a violation, then what should be done?

General **Allen**. Then the suspecting individual should tell the suspected violator, you had better go talk to the honor representative about this, because it sounds a little fuzzy, and you may be in transgression of the honor code, and if you don't go talk to him, then I have to. And so that way you kind of get away from the notion of tattletale or squealing or what have you, you put the onus on the suspected individual, go talk to the honor representative about it and get it cleared up. That is the approach that is normally taken.

Now, if it is a very serious type thing, and circumstances don't lend themselves to discussing it with the individual personally, then the individual has the responsibility to go report it to a squadron honor representative directly.

Senator **Hart**. Excuse me. I have to vote.

Senator **Nunn**. I would be glad to have you come back and we will take up where you left off.

General, one other area I would like to explore with you is the relationship between regulations on the one hand and the honor code on the other. Could you describe how those two things intertwine?

General **Allen**. They intertwine, Mr. Chairman, only to the extent that lying, cheating, or stealing are involved. For example, if a cadet is authorized a certain privilege, and he signs out to go on that privilege, and does something else rather than going on the privilege, and by his signature has lied about what he has done—that is a lie. On the other hand, if it has nothing to do with signing out, or nothing to do with his personal word or anything of that nature, or he violates a regulation, that is just a violation of a regulation.

Senator **Nunn**. Suppose instead of signing out he just skips signing out and violates the regulations by going somewhere he shouldn't?

General **Allen**. Then there would be no honor violation whatsoever.

Senator **Nunn**. Then if he wants to make sure of violating a regulation but not the honor code, the way to do it is not to sign out altogether?

General **Allen**. Yes, sir, that is correct. I will have to admit that that happens now and then.

Senator **Nunn**. Your more intelligent cadets would certainly take that route, wouldn't they?

General **Allen**. Absolutely.

Senator **Nunn**. There was a system that they had in the past at West Point where someone would check by the room at night and say, is everything all right. By coming back with the answer, all right, you have then in effect said that all regulations have been complied with, and that means that perhaps the honor code then comes into play. Do you have anything to compare with that?

General **Allen**. I am not familiar with what is going on at West Point in these days in that regard, sir. No, we do not have anything comparable to that.

Senator **Nunn**. The question is, do you have any question posed to the cadet saying, have you violated any regulations?

General **Allen**. No, we do not. We do have one "all right." A list of lost or misplaced articles is published periodically and every cadet is supposed to check his belongings to see if a book has been left in his room, or an article of clothing, or something like that. We have an "all right" given for those lost articles. What that means is the cadet has checked his belongings and he doesn't have them. But other than that we have no such procedure.

Senator **Nunn**. Of course that would be on a specific situation rather than a general anyway?

General **Allen**. That is correct, yes, sir.

Senator **Nunn**. General, what portion of the Academy's annual student attrition rate is attributable to separations for violation of the honor code?

General **Allen**. Two to three percent, sir.

Senator **Nunn**. Two to three of the overall attrition, or two to three of the overall students?

General **Allen**. Two to three percent attrition is attributable to honor violations.

Senator **Nunn**. Let me ask you the first question first then; what is the attrition rate of the Academy?

General **Allen**. In the class of 1976, sir, that just graduated, it was 38 percent.

Senator **Nunn**. Thirty-eight percent of those entering as freshmen did not graduate, is that right?

Senator **Nunn**. So that 38 percent is attrition over a 4-year period?

General **Allen**. That is correct.

Senator **Nunn**. Of that 38 percent are you saying——

General **Allen**. 2.65 percent of the entering class of 1976 was attrited because of honor violations.

Senator **Nunn**. That 2.65 percent, that is 2.65 percent of the 38 percent attrition?

General **Allen**. That is correct.

Senator **Nunn**. That means about 8 percent of those who attrite do so because of violations of the honor code?

General **Allen**. Whatever the arithmetic is.

Senator **Nunn**. 2.6 into 38, whatever that is?

General **Allen**. Yes, sir.

Senator **Nunn**. It would be 12 or 8 percent just roughly in my head.

General **Allen**. In specific numbers—1,508 members entered in the class of 1976, and 40 of those were lost because of honor violations during the 4 years that they were at the Academy.

Senator **Nunn**. What improvement can be made in the honor system in your opinion at the Air Force Academy? Do you have any specific thing that you are working on or thinking about?

General **Allen**. With regard to the fundamental approach to the honor code at the Air Force Academy, Mr. Chairman, I am very comfortable with it, and I have looked at it very closely ever since I have been there. A summary of every single honor hearing comes to me and I study them very carefully. Sometimes I go back and ask questions about them, and so forth.

I think one of the things that one has to look at is the business of temptation. We are looking at everything we do to see if we are putting too much or maybe too little temptation in front of the cadets. As we look at these areas, we find things that should be modified, or what have you—and we intend to do so. Beyond that I think that there is always a feeling by some cadets regarding some specific episodes or incidents that the administration tends to try to use the honor code to enforce regulations. And I am very sensitive to the possibility that with the large number of staff and faculty people that work with cadets, some individuals might not have a full and complete understanding, might make a mistake in that regard. I have cautioned the cadet honor committee and have cautioned the cadet wing's chain of command, as well as the command, that when such a situation develops I don't want to let people sit and brood and worry about it. I want a red flag to go up and we will rectify it quickly because I want to maintain an "us" relationship with the cadet wing on honor code. I don't want it to turn into a "we-they" relationship.

Senator **Nunn**. Do you ever feel that personal animosity could ever lead one cadet to turn in another?

General **Allen**. No, sir. The system is constructed in such a way that I cannot conceive of that happening. He might turn him in, but it would never get to an honor hearing.

Senator **Nunn**. Do you have many cases of that?

General **Allen**. For every formal hearing that is held by the cadet honor committee there are probably five or six instances where something came up; it is looked at, and it is determined at the preliminary investigation or formal investigation that it is not an honor violation and it never goes to the Board. There is a great deal of straining out that goes on before it gets to the Board.

Senator **Nunn**. One other line of questioning that I want to pose to you. To what extent does the class standing of a cadet follow him all of his career? In other words, how much pressure is there to get to the top of the class?

General **Allen**. At the Air Force Academy, Mr. Chairman, it has nothing to do with initial assignments. Most of our graduates of course go on to flying training. It is a question of whether they are physically qualified for flying training and if they elect to go to flying training.

With regard to which pilot training base they go, they do that by lot.

Initial assignments in other fields such as missiles, the maintenance field, and that sort of thing, are strictly the individual's choice. There is no competition to see who gets what within the Air Force.

Senator **Nunn**. So once the class graduates, they are really starting equally, is that what you are saying, the anchor man and the top graduate are starting equally as far as their opportunity? I don't mean equally as far as their ability, but equally as far as their opportunity?

General **Allen**. That is correct. Now, there is one thing that we do which might have a bearing on this, but I don't really think it does. The top 15 percent of each class are designated as distinguished graduates and it is somewhat of an honor to be a distinguished graduate. Anyone in that top 15 percent is somewhat guaranteed an opportunity to go to graduate school within 3 to 8 years after graduation.

On the other hand, almost any graduate at some time 3 to 8 years after graduation would have a similar opportunity to go to graduate school based on his Air Force performance, Air Force need, and what have you.

So I don't see that as a very significant thing, and I don't think the cadets do either.

So what I am saying is, with that possible exception which I wanted to bring up to you, the bottom man and the top man, assuming equal capability, have an equal shake at things.

Senator NUNN. How much influence do you think the honor code has on a cadet? Basically, if you get an honorable cadet in, is it pretty certain that you are going to get an honorable cadet out? In other words, what is the relationship between the input, background, family, school, religious aspect, and so forth, and the kind of cadet that you actually have at the Academy, and the kind you turned out?

General ALLEN. I think there is a large relationship, sir. I have heard, as I am sure you have, all sort of statistics about the type of cheating that goes on in high schools and that sort of thing. I think it is a question of environment and peer pressure. I think possibly in some high schools there is actually peer pressure to go ahead and cheat because that is the easiest way to do it. At the Air Force Academy peer pressure is to not cheat—peer pressure inhibits against lying, cheating and stealing. It creates a life style which, after a person is under it, all of a sudden he realizes is pretty great. Every grade I get I know is my own work and I know the other people's grades are their own work. I don't have to worry about questioning whether what so and so told me is really the truth or not—he said it, so it is the truth. I don't have to worry about locking up my room every time I leave it for fear somebody is going to steal something. It is indeed a way of life, and it is a very enviable way of life after a person gets under it and is familiar with it.

Senator NUNN. Do you have any kind of statistical comparison, during your 2 years, of the honor violations committed by—let's call them freshmen—as compared to sophomores, juniors and seniors? You have other designations I am sure. Do you have any comparison of that?

General ALLEN. Yes, I do, indeed.

Senator NUNN. I want to get that comparison, and also for both of the other academies.

General ALLEN. The cumulative statistics of the Air Force Academy since its inception are: 11.3 percent of the honor losses have been in the seniors; 25.3 percent have been juniors; 19.8 percent have been sophmore, and; 43 percent have been freshmen.

Now, it looks as if there is a small anomally with regard to the juniors or second classmen being higher than the sophmores or third classmen and that is because the 1965 large honor incident at the Air Force Academy involved primarily juniors. That incident has distorted that figure.

Senator NUNN. Also in some of the other academies, the largest cheating incidents have involved juniors.

General ALLEN. Yes, sir.

Senator NUNN. Do you think there is any significance to that?

General ALLEN. I think there probably is, sir, but I don't know what it is.

[Additional information follows:]

The percentage by class of cadets found guilty by cadet Honor Boards (may not total 100 percent due to rounding):

Year	1st class	2d class	3d class	4th class
1966-67	3.5	63.5	14.1	18.8
1967-68	8.8	8.8	17.6	64.7
1968-69	15.6	2.2	31.1	51.1
1969-70	11.1	17.8	28.9	42.2
1970-71	7.1	10.7	35.7	46.4
1971-72	3.7	56.1	23.2	17.1
1972-73	11.1	11.1	8.9	68.9
1973-74	23.6	14.5	81.2	43.6
1974-75	10.5	21.8	24.1	43.6
1975-76	8.0	8.0	36.4	47.7

The percentage by class of cadets found guilty by Cadet Honor Boards but "granted discretion" (may not total 100 percent due to rounding):

Year	1st class	2d class	3d class	4th class
1966-67	6.7	26.7	33.3	33.3
1967-68	14.3	14.3	28.6	42.9
1968-69	37.5	0	25.0	37.5
1969-70	0	33.3	22.2	44.4
1970-71	33.3	0	16.7	50.0
1971-72	0	0	50.0	50.0
1972-73	8.3	8.3	0	83.3
1973-74	10.0	10.0	30.0	50.0
1974-75	6.8	38.6	29.5	25.0
1975-76	13.0	8.7	21.7	56.5

Senator **Nunn**. Have you had much experience with people coming in from bad backgrounds where you pretty well could establish that they did not have strong family, religious ties, and so forth, and where the honor system has in your experience worked on them to the extent that they are more or less converted because of peer pressure? In other words, what effect can an honor system have on a young person who comes in from a high school where there has been rampant cheating and from a background where the pressures were all in the other direction?

General **Allen**. I think the effect, Mr. Chairman, is that for the first 6 months, or maybe the first year, the individual lives under the code successfully because he is afraid not to and is watching himself every minute. After a period of time—it might be 3 months in some cases, 6 months in others, or a year in another—all of a sudden the new habits become ingrained, and from then on, without the fear of being discharged, and so forth, he understands what he is doing, and it becomes a lifestyle to him. I don't think it would be possible to pick out any particular individual or particular group of individuals and say that they were probably dishonorable when they arrived and became honorable by the time they left. As a matter of fact, I wouldn't want to attempt to do that. One of the things that I talk about all over the United States is what a fine bunch of young men that we see coming into the Air Force Academy. And indeed they are.

Senator **Nunn**. But you would agree with the general observation, I suppose, that the honor code and the life and exposure at the Academy, including peer pressure, is capable of engendering a major transformation in an individual's ethical behavior? Is that too strong a sentence?

General **Allen**. I think that is an absolutely fair statement, yes, sir.

Senator **Nunn**. It is capable of doing that?

General **Allen**. Yes sir.

Senator **Nunn**. One other question. Have you noticed any change in cadet behavior regarding the honor code in the aftermath of Watergate and the tremendous misbehavior that we have had in high places in Government?

General **Allen**. I think it has brought home to the cadets as well as everyone else concerned at the Academy, the importance of the honor code and the importance of the maintenance of high standards of integrity at the Academy and subsequently in the service in the U.S. Air Force. I think that it has strengthened the feeling of dedication to the honor code throughout the Academy and I really think it has done it throughout all of the services.

Senator **Nunn**. You don't see any substantial deterioration of ethical and legal behavior in the academies as a result of the so-called Watergate era?

General **Allen**. If I see anything at all, Mr. Chairman, it is just the opposite.

Senator **Nunn**. That is very encouraging.

General Beck, do you have any observations or comments on any of these questions? We would like to hear from you or get your views on any of them. I have just about pursued all the questions we are going to ask for the morning except some for the record.

General **Beck**. Sir, I would like to agree with General Allen that during the 4 years of a cadet's life the development of character is a function of maturity, and it is just commonsense that during that 4 years at the Academy their character is greatly developed. I think the honor code has a very strong effect on that development.

Senator **Nunn**. What is your relationship to the honor code, and what is your duty regarding the honor code?

General **Beck**. Sir, I supervise it as Commandant. I consider the honor code one of the major tools at the Air Force Academy in that part of the mission that I am mostly responsible for—the development of leadership, integrity and character.

Senator **Nunn**. Do any of the cadets ever ask you or any of your associates, why do we have a strict honor code in the Academy, and yet our observations are that that doesn't follow through in the Regular Air Force duties. Have you had that question posed to you—the relationship between the honor code at the Academy versus, as we established a little earlier, the looser relationship of integrity in the regular duty?

General **Beck**. I don't recall specifically being asked that question, but I am sure that it has happened over the many times I have talked with cadets. I think most of us view our purpose at the Academy to make a better Air Force. We are not trying to just reach the standard that we feel is the average standard in the Air Force. We are trying to set a standard we want to have in the Air Force in the future. I think that explains perhaps the difference in our goal at the Academy versus what we actually find in the Air Force.

Senator **Nunn**. Thank you very much.

General, do either of you have any other observations, anything you want to correct for the record or anything additional?

General **Allen**. I don't have anything to correct for the record, sir. But I would like to say once again that my purpose here this morning was to explain, in whatever depth you and the subcommittee desire, the workings of our honor code. I do not, in any way, consider myself to be an expert on the environment or the honor codes or concepts of the other service academies, and if I have said anything that might indicate some sort of a comparison between ourselves and the other academies, it was unintentional.

Senator NUNN. We understand the separation in the chain of command. Our job is to look at all three of them and compare them. We know we have asked some questions that necessitate comparisons by implications, but I assure you I don't think anybody would interpret you as critiquing another academy.

General ALLEN. I would like to follow up by saying that we are very proud of the honor code at the Air Force Academy. We are proud of it primarily because it is the property of the cadet wing and we are particularly proud of the cadet wing. They are a bunch of great young men who are going to make great officers in the Air Force after graduation. We are delighted to have had the opportunity to have been here today to discuss the cadet honor code with you.

Senator NUNN. Thank you very much.

We may, as a subcommittee, at some point in time, journey to the Air Force Academy and the other academies to talk individually to cadets and to observe the system firsthand. It is a complicated subject. It is very important, and it is very sensitive, and we are not going to jump to any hasty conclusions about any academy or any particular incident, but we may be visiting with you in the near future. We look forward to it.

Next Tuesday we will hear at 10 o'clock Colonel Buckley and several people who served on the Buckley commission at West Point, which I believe took place in 1974. That commission conducted a study of the West Point honor code and the enforcement of it. There have been several cadets involved in the study who have since become involved as Regular Army officers. We will have some of them appear in what will be an examination of the Buckley study and the recommendations that flowed from that study. The place will be announced at a later time.

The subcommittee is adjourned for today.

[Whereupon, at 11:45 a.m., the subcommittee was adjourned, to reconvene at 10 a.m. on Tuesday, June 29, 1976.]

HONOR CODES AT THE SERVICE ACADEMIES

TUESDAY, JUNE 29, 1976

U.S. SENATE,
SUBCOMMITTEE ON MANPOWER AND PERSONNEL
OF THE COMMITTEE ON ARMED SERVICES,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:04 a.m., in room 1318, Dirksen Senate Office Building, Senator Sam Nunn, chairman, presiding.

Present: Senators Nunn, Culver, Bartlett, and Leahy.

Also present: Francis J. Sullivan, Charles J. Conneely, Kenneth Fish, John A. Goldsmith, George F. Travers, professional staff members; Roberta Ujakovich, Louise Hoppe, research assistants; Mary G. Ketner, clerical assistant; Jeffrey Record, assistant to Senator Nunn; and Charles Stevenson, assistant to Senator Culver.

Senator NUNN. Colonel Buckley, Lieutenant Reid, it is a pleasure to have you and other members of the Superintendent's Special Study Group on Honor at West Point with us today. As you know, the subcommittee's hearings on service academy honor systems are prompted by the recent cheating incident at the U.S. Military Academy. So far, 171 cadets have been implicated in what has become the largest cheating scandal ever to befall a U.S. service academy. Of course, the individual trials are not decided, and so there may be many people of that number who are not, in the final analysis, found guilty of any cheating. Nevertheless, there are some indications that this number could grow substantially during the coming weeks.

The issue at stake, it appears, is no longer whether cheating took place on an electrical engineering examination last March. The issue now, to put it bluntly, is whether cheating has indeed become commonplace at West Point.

The subcommittee is still wrestling with the question of why cadets who presumably had not cheated for 3 years, and who knew that the penalty for cheating was expulsion or relegation to the enlisted ranks, suddenly feel compelled to cheat on an inconsequential quiz having only minimal effect on the course grade.

With these concerns in mind, the subcommittee welcomes testimony of members of the Superintendent's Special Study Group on Honor. The special study on honor, commissioned by Superintendent Berry in 1974, and completed, is perhaps the most comprehensive assessment of West Point's honor system ever undertaken.

The study not only encompasses an exhaustive study of the history of the system, cadet and faculty attitudes toward the system, but it also contains an extensive survey of honor systems in effect at other service academies and civilian institutions of higher education.

Among the study's many intriguing recommendations is the establishment of discretion in the imposition of sanctions and the institution of changes in the manner in which the honor violations are currently adjudicated, with a view toward making the entire process more equitable and more flexible.

Before you begin your statement, Colonel Buckley, you may want to introduce each of the gentlemen who are with you today, and we could talk to them just briefly about their role in the overall Buckley study and then we could go to your study.

STATEMENT OF COL. HARRY A. BUCKLEY, COCHAIRMAN, SUPERINTENDENT'S SPECIAL STUDY GROUP ON HONOR AT WEST POINT, ACCOMPANIED BY LT. BILL REID, COCHAIRMAN; COL. DANA MEAD, MANAGER OF RESEARCH; MAJ. IAIN REILLY, CHAIRMAN, PURPOSES COMMITTEE; CAPT. RICHARD THODEN, MEMBER, ADJUNCT COMMITTEE; CAPT. HAROLD L. WILHITE, JR., CHAIRMAN, HISTORICAL DEVELOPMENT AND PROCEDURES SUBCOMMITTEES; LT. JAMES ABCOUWER, PURPOSES COMMITTEE; LT. JOHN GRECH, HISTORICAL DEVELOPMENT AND PROCEDURES COMMITTEES; LT. LONNIE KEENE, PURPOSES AND DISCRETION/SANCTIONS COMMITTEES

Colonel BUCKLEY. I have the introductions as a part of my statement, Senator Nunn.

Senator NUNN. That will be fine. Why don't you go ahead.

Senator LEAHY. Mr. Chairman, I would just like to raise one point as a matter of interest. I have read through Colonel Buckley's statement, the information papers attached, the October 9 memo, and the various biographies of the gentlemen who are with him. It does not seem to include the final report itself. Is that correct? Or have I missed something in here? It goes down and it mentions the study. It mentions the fact that there is going to be a study. At the end of it, it restates the study group's general conclusions after 7 months study: that the present honor code systems are viable, as constructed, to changes in the system, although changes in the system may strengthen the code by recognizing the changing conditions and circumstances in the routine of cadet life. The honor code will not be anachronistic, but the specific applications of ideal principles are invariably linked to the conditions in which they operate.

The study group's general conclusions are very interesting, but the study group itself prepared a report, an overall report, did it not?

Colonel BUCKLEY. Yes, sir, that is what that large document is.

Senator LEAHY. That is what that is? Yes. And is that going to be submitted to the subcommittee?

Senator NUNN. I would like to ask unanimous consent that the entire report be made a part of the record. We already have some rather intensive summaries of it, but we do not have it in the record yet. I though we would wait until Colonel Buckley got through this morning, and then we would want to put the entire report in the records.

(The Special Study Group Report [Buckley Report] appears on p. 223.)

Senator **Leahy**. All right, Mr. Chairman, because this statement seems to be a discussion of what they did, which I think is very interesting, of course, but, it is something I think all of us could read in a few hours time, and I am more interest in what they actually concluded. I do not mean to take time now, but I will have questions on that last sentence of the Honor Code Study: "Never being anachronistic but the specific applications of ideal principles are invariably linked to the conditions in which they work."

It seems to me like a kind of a wide open area for a very subjective application of the honor code.

Senator **Nunn**. We will be getting into all of those matters and questions with Colonel Buckley and the other gentlemen. Why not let Colonel Buckley, at this point, proceed in his manner and then we will come back to questions.

Colonel **Buckley**. Mr. Chairman and members of the subcommittee, my colleagues and I are here in response to your invitation to testify regarding the study of the U.S. Military Academy Honor Code System in which all of us here at this table participated. Our committee was entitled The Superintendent's Special Study Group on Honor at West Point. The Superintendent's letter directing the study was dated October 9, 1974 and our report was signed on the 23d of May, 1975.

General Berry's letter initiating our study is appended to the copy of the statement you have been given. (See letter, p. 142.) In that letter General Berry states that, "Honor is central to West Point's ideals of duty, honor, and country and to the cadet's preparation for service as a U.S. Army officer."

He notes the turbulent period of social change experienced by both American society and the Army, and explains the need for the study by stating that West Point must continually evaluate its precepts and systems if it is to maintain a consistently high level of service to the Nation.

He then charged our group to conduct "a fundamental study and review of the West Point Cadet Honor Code and System in order to determine how they can be strengthened and improved, and honor continued as the keystone of the ideals of West Point."

Our study group membership was carefully selected to represent a wide spectrum of backgrounds and organizational positions within both the staff and the faculty and the Corps of Cadets. The 15 officer members, all combat experienced, included tenured and nontenured faculty members, tactical officers, officers from various branches of the Army, officers from different academic disciplines, and officers whose source of commission included the Reserve Officer Training Corps (ROTC), Officers Candidate School (OCS), the U.S. Military Academy, the Air Force Academy and the Naval Academy.

The 16 cadet members were drawn from the two senior classes—the class of 1975 and 1976. Included were members of the cadet honor committee and cadets representing a wide range of academic, athletic, and extracurricular activities.

The officers seated here today were all members of the study group, although at the time four of these gentlemen were cadets.

I am the director of the Office of Military Leadership at West Point and I was a cochairman of the special study group. I have commanded both an infantry company and an infantry battalion in combat.

On my right, Lt. Bill Reid, Infantry, a graduate of the class of 1975, was a cochairman along with me of the special study group and a chairman of the 1975 honor committee. He is presently a platoon leader in the 82d Airborne Division.

And I might note, that we had an interesting time catching up with Bill Reid. We could not find him Friday, and somebody said that he was on his way back to West Point for the first time, and sure enough he arrived by parachute Friday afternoon, and we hustled him up and brought him down here.

Senator NUNN. Did General Emerson jump out of the plane with him?

Lieutenant REID. No, sir.

Senator NUNN. He is head of the 82d, is he not?

Lieutenant REID. Sir, he is head of the 18th Airborne Corps.

Colonel BUCKLEY. Of which the 82d is a part.

Senator NUNN. Part of it?

Colonel BUCKLEY. Right.

Senator NUNN. Let me ask each one of these officers as we go down the line, just very briefly, whether in the particular role he played in this so-called Buckley study—there was any subdivision or allocation of specific functions to each particular member, or was it all done together as a whole?

Lieutenant Reid, tell us a little about what you did in the Buckley study?

Lieutenant REID. Well, sir, I was, as Colonel Buckley stated, cochairman of the group and for the most part—in that role I remained a member at large of all the subcommittees. I also attended several of the subcommittee meetings and learned their problems. I was specifically involved in the study conducted on the other service academies.

But for the most part, I remained with Colonel Buckley in helping to direct the efforts of the subcommittees.

Senator NUNN. Thank you.

Colonel BUCKLEY. On my left is Col. Dana Mead, professor of social sciences at the Academy. Colonel Mead served in both Marine and Army units on DMZ in Vietnam. As a senior member of our study group, he managed the research effort. He, incidentally, is also secretary designate to the U.S. Military Academy Board of Visitors.

Senator NUNN. Colonel Mead, glad to have you. Why do you not go into a little detail about what your particular role was in the Buckley study?

Colonel MEAD. Sir, initially I managed, and it was really a management effort initially, the subcommittee's research effort. Once we began to develop our research to the extent that we were beginning to draw some tentative conclusions, and beginning to disseminate it, then I reverted to a special assistant to Colonel Buckley for the remainder of the report, and assisted him and Bill Reid in the preparation of the report.

Senator NUNN. Thank you, Colonel.

Colonel BUCKLEY. Maj. Iain Reilly, to my right, is in the Signal Corps. At the time of the study he was the company tactical officer. He is now en route to be a battalion executive officer in the 25th Infantry Division in Hawaii. Major Reilly was the chairman of the purposes committee and also worked on the discretion and sanctions issues.

Major **Reilly**. Sir, my job was to look at the purpose of honor in the U.S. Military Academy. I had two cadets working with me. We prepared the report on the purpose of honor at West Point.

Senator **Nunn**. On the purpose of what?

Major **Reilly**. On the purpose of honor at the U.S. Military Academy. The second part of my job was to serve on the discretion committee.

Colonel **Buckley**. Captain Richard Thoden at the end of the table is in the air defense. He has been an assistant professor in the department of mechanics. He is presently on his way to be a battery commander in the 38th Air Defense Brigade in Korea. Captain Thoden was a member of an adjunct committee organized after the study was underway to consider several alternative proposals for the structural modification of the honor committee organization and its processes.

Captain **Thoden**. The adjunct committee on structures was formed a little bit late in the study, about April toward the end of the year of the study. We were given two specific proposals to analyze structurally, and look at possible other structural modifications from the point of view of legitimacy and judicial sensitivity.

Senator **Nunn**. Thank you, Captain.

Colonel **Buckley**. Lieut. James Abcouwer, to my left, is in the Engineers. He is a graduate of the Class of 1975. He was at the time of the study, first captain of the corps of cadets, and as such, an ex officio member of the 1975 honor committee. Lieutenant Abcouwer was a member of the purposes committee and assisted in the general management of the study. He is presently assigned as a platoon leader to the 43rd Combat Engineer Battalion.

Lieutenant **Abcouwer**. Sir, as Colonel Buckley stated, I was a member of the purpose subcommittee of the main committee for Major Reilly. We defined the purpose of the honor code at the Academy, past and present, and we also went to the corps of cadets and to the Officers Corps, and solicited their opinion as to what the purpose was today, and whether that purpose was being accomplished.

Senator **Nunn**. Thank you, lieutenant.

Colonel **Buckley**. Lieutenant Grech, to the left of Lieutenant Abcouwer. Lieutenant Grech is in the field artillery. He is a graduate of the Class of 1976, so he is wearing his 2d lieutenant's bars for about the first time. Lieutenant Grech was vice chairman of the 1976 honor committee. As a cadet member of the study group he contributed to the historical development and procedures committee. He is presently on his graduation leave and will be a platoon leader in the 2nd Infantry Division in Korea.

Lieutenant **Grech**. Sir, as Colonel Buckley stated, I was a member of the history subcommittee during the information-gathering period of our study group. Later on in the year I worked on the procedures committee.

Senator **Nunn**. Thank you, lieutenant.

Colonel **Buckley**. Lt. Lonnie Keene, Armor, is also a graduate of the Class of 1976. As a cadet, Lieutenant Keene was a member of the 1976 honor committee. As a member of the study group, he contributed to the purposes and discretion sanctions committees. He also is on graduation leave. However, he will shortly report for duty as a platoon leader in the 2nd Armored Cavalry Regiment in Germany.

Senator Nunn. Lieutenant Keene, what year were you in the study going on? Were you a sophomore then?

Lieutenant Keene. Sir, at the time I was a junior, and I was a member of the 1976 honor committee. Initially, I worked on the purposes subcommittee, working on historical background or conducting cadet and officer surveys and assisting in the general operation of the subcommittee.

In the second phase, I was a member of the discretion/sanction committee where we looked at the rationale for discretion.

Senator Nunn. Thank you.

Colonel Buckley. On my extreme left is Capt. Harold Wilhite, who is an assistant professor of the department of mathematics at the Military Academy, and who was chairman of the history committee. He made a very significant contribution to the development of the history of the honor code and system. He also worked in several other areas within the committee.

Captain Wilhite. As Colonel Buckley mentioned, I directed the research effort for the historical group initially and then later on, after we gathered our data, I directed or coordinated putting together recommendations in the procedures area of the honor system and the function of the honor committee.

Senator Nunn. Thank you.

We are delighted to have all of you here today and I hope you feel at ease to the extent possible in answering questions. I am going to ask each of you questions, but we are not here in any way impugn the work you did. We really want to find out what you did, the way you went about it, and what your conclusions were. Nothing we do or no matter how many hearings we have could be as valuable an insight into the problems and opportunities of the honor code at West Point as the work you have done, because you were there on the ground; you were there as both professors and military officers and cadets, so we are very interested in your work and hope you will proceed with that.

Colonel, why don't you go ahead?

Colonel Buckley. Before discussing the study group report, I would like to note the context within which the study took place.

In October 1974, the corps of cadets had only recently achieved its expanded size of 4,100 members; the impact of the greater emphasis no "due process" was being felt in the daily operation of all human systems and, in particular, the honor system. This system was experiencing increased procedural challenge and increased frequency of requests by cadets for a hearing before a board of officers after being found guilty by the cadet honor committee. In spite of these changes in the milieu, we perceived no sense of crisis at the time we conducted the study and members of the study group considered the concept of the study as normal and appropriate. It should also be noted that this study was seen as a follow-on and expansion of the annual review of the honor system done by a small committee headed by the professor of law and as an expansion and adjunct to a study of specific issues related to the honor system then underway by a group of officers headed by the Deputy Commandant, Colonel Fitzpatrick.

Our study was an institutional, self-evaluation effort, part of a broader scheme of review of all the major areas of cadet activity; honor, curriculum, and military training.

As a final aspect of the context in which the study took place, I would like to point out that officer and cadet members of the study group candidly, and sometimes heatedly, discussed the issues involved and debated questions of philosophy and ethics. To our knowledge such open, fundamental discussions of the honor code and system and the underlying moral issues by a joint officer-cadet committee on this scale was unique and I think healthy.

However, it soon became apparent to the members of the study group that these fundamental issues were the same issues debated by philosophers throughout history and with this realization came an increasing sense of humility; we suffered a degree of frustration because we realized that our study could not even adequately articulate much less resolve the broad moral questions related to man's ethical behavior.

Our study method was a two-phase approach. In the initial phase, which was essentially devoted to research, we gathered data on the historic development of the honor code and system, studied the stated and assumed purposes and intent of the code and system, collected and analyzed data about the attitudes of cadets, faculty, the Army, and society toward the honor code and the system and reviewed the experiences of the Naval Academy, the Air Force Academy, and selected other colleges and universities. Much of our analysis and argumentation took place during this phase.

The second phase of the study addressed the three major problem areas we had identified in the initial phase: the question of discretion and of sanctions, the process of education and indoctrination, and the issue of appropriate procedures. Later in this phase, we established a new committee to consider several alternative proposals for structural modifications of the honor committee organization and its processes.

Each of these committees presented their conclusions to the entire study group in open forum where they were debated and refined. Following the open discussions of the group, a list of recommendations, backup justification, and minority opinions were compiled and a set sent to each member for formal review and comment.

Those recommendations that were supported by a majority of the study group members were then included in the final report. This process did not entirely hold for the recommendations of the structural modification committee as their work was not completed in time to be reviewed by the entire study group.

In addition to the specific recommendations, the final report of the study group includes a section entitled "Philosophical Issues." The intent of this section was to give the Superintendent the flavor and range of the discussion that had taken place and to note the imponderables with which the study group wrestled. This section contains several debatable concepts and is a summary of discussion and not a consensus of the study group's views.

After review by the Superintendent, the academic board, the Commandant, and other officers involved in the honor system process, the study group report was passed to the newly formed class of 1976 honor committee. This committee held a special 2-day study session in late August of 1975 to review the report and other aspects of the honor system.

The actions taken as a result of the study group report are indicated in a paper attached to the copy of my statement which is already in your hands. It should be noted that it is not feasible to be completely definitive with regard to these actions because as a dynamic human system, the honor system is influenced by many factors; however, we think the study was beneficial and will contribute to the long-term growth and strength of a system that is so important in the development of leaders for the Army of a free democratic system.

I would like to conclude my remarks by restating the study group's general conclusion after its 7-month study:

> The present Cadet Honor Code and System are viable as constructed, though changes in the system may strengthen the code by recognizing the changing conditions and circumstances in the routine of cadet life. The honor code will never be anachronistic, but the specific application of ideal principles are invariably linked to the conditions in which they operate.

Mr. Chairman, members of the subcommittee, this concludes my statement. We are prepared for your questions.

[The Superintendent's letter establishing the special study group and the information paper on actions taken follows: the Buckley Report appears on p. 223.]

OFFICE OF THE SUPERINTENDENT,
U.S. MILITARY ACADEMY,
West Point, N.Y., October 9, 1974.

Subject: Superintendent's special study group on honor at West Point.

To: Commandant of Cadets, Dean of the Academic Board, Director of Military Leadership, Chairman, Cadet Honor Committee, Brig. Comdr. United States Corps of Cadets.

1. *General.*—Honor is central to West Point's ideals of Duty, Honor, Country and to the cadet's preparation for service as a United States Army officer. Generations of West Pointers have embodied in their daily lives the principle and practice that honorable persons neither lie, cheat, or steal nor tolerate those who do. As Superintendent of the United States Military Academy, I herewith acknowledge the centrality of the principle of honor to the West Point experience and to the Army Officer Corps and affirm my dedication to maintaining, strengthening, and improving the West Point Cadet Honor Code and System. I acknowledge that the West Point Cadet Honor Code and System will be meaningful and workable only if fully understood, supported, and administered by the United States Corps of Cadets. The Honor Code and System must belong to the Corps of Cadets; it cannot be imposed nor manipulated by external authority.

Our country, the Army, and the Military Academy have all just experienced a turbulent decade during which significant social, economic, and political changes have occurred. The country has engaged in the longest war in its history. The Army doubled in size to fight the war in Vietnam and now has contracted to less than one-half its wartime peak strength. During the Vietnam conflict the United States Military Academy provided its graduates to help lead the Army in combat while simultaneously the Corps of Cadets doubled in size. The last decade has, indeed, been one of turmoil, transition, and change.

Today, West Point, as must any institution in order to survive and prosper, looks ahead. An essential part of looking constructively ahead is critically to evaluate institutional fundamentals in order to determine how best they apply to the present and fit into the future. Only by doing so can an institution such as the United States Miltary Academy build upon the best of its past and prepare itself to meet the demands of the future.

Accordingly, I herewith establish the Superintendent's Special Study Group on Honor at West Point. I charge it to conduct a fundamental study and review of the West Point Cadet Honor Code and System in order to determine how they can be strengthened and improved, and honor continued as the keystone of the ideals of West Point.

2. *Mission.*—The Superintendents' Special Study Group on Honor at West Point will conduct a comprehensive study of the West Point Cadet Honor Code and System and recommend such modifications and changes it considers necessary to strengthen and improve them. Recommendations will include plans for implementing any proposed modifications or changes in the Cadet Honor Code and System.

The study will include, but will not be limited to, a critical assessment of the following general areas of consideration: Basic purpose of the Cadet Honor Code; scope, application, and sanctions of the Cadet Honor Code; procedures in the reporting and processing of honor cases; and applicability of principles and procedures of the Cadet Honor Code and System to life as an officer of the United States Army.

The study will include, among others, evaluation of the following specific areas of consideration *in re* the Cadet Honor Code and System: Historical development; problem areas encountered in administration of the Honor Code and System; legal challenges and judicial resolution of cases involving the Honor Code and System; attitudes of cadets and members of staff and faculty regarding the Honor Code and System; Army attitudes toward the Honor Code and System; public attitudes toward the Honor Code and System; and experience of the United States Naval and United States Air Force Academies in like matters.

3. *Composition.*—The Superintendent's Special Study Group on Honor at West Point will consist of the following members:

Co-Chairmen: COL Harry A. Buckley, Inf., Director, Office of Military Leadership; Cadet William J. Reid, G-1, Chairman, Cadet Honor Committee, Class of 1975.

Law Member: MAJ Daniel W. Shimek, JACC Department of Law.

Officer Members: 1. COL Dana G. Mead, Prof., Department of Social Sciences; 2. LTC John L. Palmer, Ord., Department of Engineering; 3. MAJ Eugene S. Andrews, Inf., Office of Military Leadership; 4. CPT John N. Abrams, Arm, Office of Military Instruction; 5. CPT Ben Anderson, Inf., Department of Foreign Languages; 6. MAJ Gordon Clarke, Engr., Department of Mechanics; 7. MAJ David A. Bramlett, Inf., Department of English; 8. CPT Harold L. Wilhite, Jr., FA, Department of Mathematics; 9. MAJ Iain Reilly, SC, Tacitcal Officer, Company 1-3; and 10. CPT Alvin L. Mente III, Arm., Assistant Football Coach, ODIA.

Cadet Members: 1. Cadet James Abcouwer, A-1, Brigade Commander, Class of 1975; 2. Cadet David J. Rehbein, 1-4, Company Rep, Honor Committee, Cl of 1975; 3. Cadet Daniel W. Kruger, B-3, Company Commander, Class of 1975; 4. Cadet Robert E. Johnson, B-2, Captain, Football Team, Class of 1975; 5. Cadet John E. Grech, H-1, Member, Honor Committee, Class of 1976; 6. Cadet Lonnie Keene, D-3, Member, Honor Committee, Class of 1976; 7. Cadet Volney J. Warner, A-1, President, Class of 1976; 8. Cadet Darryl Harris, B-2, Member, Corps at Large, Class of 1975; 9. Cadet Richard J. Pevoski, D-4, Member, Corps at Large, Class of 1975; and 10. Cadet Charles R. Layman, F-4, Member, Corps at Large, Class of 1976.

4. *Procedures.*—The Co-Chairmen will organize and direct the work of the Special Study Group, periodically report to me the progress of its endeavors, provide me an interim report by 1 March, and its final report and recommendations by 15 April 1975.

5. *Special authority.*—I authorize the Co-Chairmen of the Special Study Group on Honor at West Point access to all information which pertains to the Cadet Honor Code and System at West Point which they find necessary for purposes of this study. They will, of course, exercise discretion in their use of sensitive information, especially that which may be damaging to individuals. Further, I authorize the Co-Chairmen to call upon individuals and agencies at West Point for information, surveys, interviews, data collection and analysis, and other assistance necessary for purposes of this study.

SIDNEY B. BERRY,
Major General, U.S. Army, Superintendent.

INFORMATION PAPER

Subject: Information on Actions Taken as a Result of the Superintendent's Special Study Group on Honor.

Requirement.—To provide information on actions taken as a result of the Superintendent's Special Study Group on Honor at West Point (23 May 1975).

1. The report of the Special Study Group contained a number of specific recommendations put forth in four categories. These categories are:

a. Discretion/sanctions.

b. Familiarization/education.

c. Procedures.

d. Structural modifications.

2. The recommendations specified by the report are only those supported by a majority of the Study Group. Many of the other matters considered by the Study Group deserve further consideration and review.

3. Both the Cadet First Captain and the Chairman of the Cadet Honor Committee of the Class of '75 were members of the Study Group and, as a result of data collected and analyzed and of the ensuing discussions, some actions were initiated and procedures modified while the study was in progress.

4. The following is a summary of the actions taken to the Superintendent's Special Study.

a. The appointment of two cadet vice-chairmen to aid the chairman of the Honor Committee. The special designation and adjusted living arrangement of these cadets to enhance the status of their positions and to provide a better work situation.

b. Other personnel and organizational changes to enable the committee to work more efficiently.

c. The establishment of an Honor Hearing Room and records center and the provision of greater staff and faculty assistance to the Honor Committee.

d. The establishment of closer ties with the Honor Committees of the other service academies and with those colleges and universities throughout the country that have honor codes.

e. The development of a written set of procedures for the guidance of the Honor Committee. This action also addresses the serious problem of continuity faced by the Honor Committee each year.

f. A number of procedural changes directed at ensuring a greater degree of "due process" in the system.

g. Several actions directed at removing the mystique that had traditionally surounded the system. (These included providing a specification of the accusation, open hearings, standard procedures, confrontation of witnesses, a report to the Corps of the findings and others.)

h. Several major actions were taken to enhance cadet familiarization with the Honor System and their understanding of the important role of professional ethics. (This included a revamped Cadet Honor Education program, honor seminars, and consideration of ethics in the educational program).

i. The Study Group recommendations served as a basis or source of data for a host of procedural changes that already have been accomplished or are still under consideration. These include clarification of the meaning of a cadet's signature, modification of the Absence Card, handling of plagiarism cases, specification of elapsed time from report to hearing, timing of the election of honor representatives and others.

j. The recommendation of the Study Group concerning "Discretion" has not yet been enacted but it did cause this serious matter to be widely considered (in fact put before the Corps of Cadets as a referendum) and greatly clarified.

k. The report contained a detailed description of alternative methods of reacting to such issues as cadet involvement/ownership of the system, the relationship of the Cadet Honor Committee hearing to a hearing by an AR 15-6 Board and, to a degree, the single sanction syndrome. These alternatives have focused attention on problem areas and led to further discussion and analysis.

l. The Special Study Group provided a review of the fundamental philosophical issues that have both sharpened the focus and improved the understanding of the officers and cadets involved. There are no universally acceptable solutions to the complex issues of human morality but the Study Group did contribute to bringing some of the issues applicable to the USMA Honor Code into the open.

Senator NUNN. Thank you, Colonel Buckley.

I am going to ask the staff, since we have four members here this morning and we have a lot of questions, to give both me, as chairman, and the particular member questioning a time of about 10 minutes. Whatever question is then being asked will be completed by the answerer and then we will move on to the next person, so we will all have a chance to ask all of our questions.

Colonel Buckley, which member of your panel actually specialized in the so-called sanctions part of your study, to determine whether discretion was called for and whether the sanctions as implemented by West Point were appropriate? Was that Major Reilly?

Colonel BUCKLEY. Major Reilly, Lt. Grech and Colonel Mead are all conversant in that area.

Senator NUNN. All right, let me start with Major Reilly then. Give us your opinion of the current sanctions provisions at West Point for punishment; and whether or not you think it is appropriate or whether you think it should be more flexible with some degree of discretion?

Major REILLY. Our subcommittee concluded that it would be more humane if in fact we had some sort of discretion in the system. There are various reasons for this.

One, we felt that many times cadets with a sense of loyalty to their classmates would not turn them in to the honor committee, because they knew the sanction was so severe. We also felt that at the time that the single sanction might cause the honor committee member on an Honor Board, who believed that the sanction was too severe for the man coming before him to vote "not guilty."

An example of this would be a fourth-classman who was asked a question and he came back with an improper answer, and therefore might be separated from the Military Academy. So in order to make the system more humane, we felt that some sort of discretion, very narrowly defined, would have been appropriate.

Senator NUNN. In other words, what you are saying is that the lack of any kind of flexibility on sanctions might very well weaken the nontoleration clause; the willingness of a cadet to turn another cadet in and thereby might gradually erode the honor system itself.

Is that an overstatement of what you are saying?

Major REILLY. I think that it is an overstatement. We were trying to strengthen the code through the use of the discretionary clause which we called the retention clause. We wanted to strengthen the code, but we did not feel that the code itself would be weakened if we didn't have it; but we did feel we wanted to strengthen it further by the discretionary clause.

Senator NUNN. Let me ask the other two members to comment on that particular question.

Lieutenant Grech, would you give us your views on that? The question being, what do you think about sanctions as they now exist at West Point and do you agree with Major Reilly's analysis that there should be more flexibility?

Lieutenant GRECH. Sir, as far as this goes, my position is that I feel there should not be discretion instituted at the Academy at this time. I believe that the system works effectively, as it is now, and I do not accept the argument given that an individual would not feel compelled to turn his classmate in, who he is a good friend of, because he feels that the only sanction that an individual may receive is expulsion. A person who would not turn a friend in for that reason I think, sir, would also not turn a classmate in if there was discretion, fearing that he might not receive discretion. And therefore, that argument, I think, sir, excludes the idea that discretion is a necessity in order to make the system work better.

I think as it does—as the system works now—it is effective.

Senator NUNN. You don't agree with the conclusion of the Buckley Committee then and I quote the conclusion that was in the report:

> Because conviction automatically implies dismissal, the Honor Committee is reluctant to make a hard judgment of motive intrinsic to a violation of honor. For the same reason, there is an unremitting pressure to define the nature of an offense in order to minimize the scope. Hence, necessity for judgment with the result that essentially procedural distinctions are allowed to obscure the principles at issue in an honor case.

Would you have a minority view or a different view on that conclusion?

Lieutenant GRECH. Again sir, in my case, and in the case of a good portion of the Corps of Cadets, the feeling is opposed to the discretion clause. We support the present system—in other words, the Honor Committee does not have the ability to indicate to the commandant or the superintendent that they request that an individual found with an honor violation be retained. I would think that I would have to disagree with the Special Study Group's conclusion in that area.

And I also believe that there was a good portion, but a minority, of the study group who felt the same way.

Senator NUNN. You would agree that was not the majority view?

Lieutenant GRECH. Yes, sir.

Senator NUNN. Thank you very much. Let's hear from Colonel Mead on that.

Colonel Mead?

Colonel MEAD. Sir, on the first question you managed to bare the soul of this group. You can see that we were split on many, many of these issues and although the minority views are not reflected in many cases, they did exist, but we just didn't want to overload the study with every nuance and sense of disagreement. But clearly in this issue there was a clear difference of opinion.

Senator NUNN. There is nothing wrong with disagreement, and I want you all to be frank. We are not looking for unanimous opinion here this morning. We never have in the committee, we never have on the floor of the Senate, and we don't expect it in your group either.

Colonel MEAD. Another aspect of this particular issue is that there are many other areas in which judgment is exersized throughout the system in ways that the single sanction influences. A more narrowly defining of issues and of offenses is a judgmental thing that happens at all levels of the Cadet process, including the Cadet Honor Board. We felt that in some ways that was being weakened, or at least being distorted by the single sanctions.

Another kind of basic judgment we made on the single sanction versus some issue of discretion was that we all felt, and again, it is dangerous to characterize the entire group, but the nontoleration aspect of the code, because of its participatory aspects, was so vital that what we should do was look at ways of possibly introducing some discretion or retention, as Lieutenant Reilly indicated, at that level in the system rather than tinkering or possibly eliminating nontoleration.

Senator **Nunn**. Well, I am inclined to agree with that analysis. I think that——

Senator **Culver**. Sir, I didn't hear the point why it was valuable to the participation?

Colonel **Buckley**. Participation.

Colonel **Mead**. Participation.

Senator **Nunn**. I think this section in the nontoleration provision, in other words the fact that everyone was involved and making sure that the system worked and reporting if it did not work; that is what you are saying was weakened by no discretion and no flexibility.

Colonel **Mead**. Yes, sir. And then given the choice of in someway altering the nontoleration aspects of the code, as opposed to looking at areas of discretion, so that the pressure imposed by the single sanction could be relieved in some way. The committee that studied it decided that we should look at the discretionary aspect.

Senator **Nunn**. Let me ask Lieutenant Reid that question because, in addition to becoming chairman of the group, I understand you were also chairman of the Honor Committee in 1975. Is that correct?

Lieutenant **Reid**. Yes, sir.

Senator **Nunn**. Let me ask you if you were on that with a wrinkle to it.

In criminal law over a period of time—particularly in a jury trial—if a particular crime has automatic, severe punishment, sometimes the jury itself, instead of letting the punishment take place, will simply find the defendant not guilty. So that is another angle that I would like to know. Does the lack of flexibility in some cases taint the guilt or the non guilt of the finding of the Honor Committee?

Lieutenant **Reid**. Yes, sir, it does, and we did experience that during my term as chairman, in some cases—very few—where individuals appeared to use that, in my opinion as the main rationale for a not guilty vote. You realize it takes a unanimous vote of 12 people to support a finding of "guilty." In several cases there were 11 to 1 votes, and in my opinion one of the primary considerations was the severe punishment sanction. Because of the apparent inconsistency presented to the Corps of Cadets by finding a person not guilty when perhaps the apparent facts pointed the opposite way, a more flexible system would be appropriate in some of these cases.

Senator **Nunn**. So what you are saying is that—and I asume you you agree with the previous opinions, which stated that nonflexibility also weakens the nontoleration at a jury trial—you agree with that too?

Lieutenant **Reid**. Well, sir, I believe it would help the participation of the Corps of Cadets if they did feel that there is more than one option available at the Honor Committte level.

Senator **Nunn**. Based on your experience, you have found that many times the Honor Committee would not find the person guilty rather than have them faced with ultimate sanction?

Lieutenant **Reid**. Well not many times, sir, but there were two cases that I can remember in my year that that had applied.

Senator **Nunn**. My time has expired.

Senator Bartlett?

Senator BARTLETT. Mr. Chairman, thank you.

Colonel Buckley, on page 4 of your remarks, you say, on the bottom line, that you perceived no sense of crisis at the time. That infers that you—in looking over the report—now see an indication of crisis.

Is that correct? And if so, would you elaborate?

Cononel BUCKLEY. Yes, sir. I think the numbers alone speak for a sense of crisis for all of us. None of us here has been closely involved in the recent situation, but we are all disturbed and very concerned.

At the time we conducted the study, we frankly did not have the feeling that there was likely to be anything of this magnitude. We did not expect it.

Perhaps buried in our study is evidence of this sort of thing, but we certainly did not come to that conclusion collectively at that time, sir.

Senator BARTLETT. What can you see now in the study that helped bring about the present situation? What were the main contributing factors, in your opinion?

Colonel BUCKLEY. That brought about the present situation, sir?

Senator BARTLETT. Yes.

Colonel BUCKLEY. I have nothing new, sir, that would answer that in a brilliant way. I wish I could, but I think it is a composite of many factors. I think that there have been some significant changes in the moral outlook of all of us. Certainly, many issues have arisen that young people didn't address in the previous years. Situational ethics has certainly crept into this question, and I think that has some underlying impact on the entire situation. I think the size of the Corps the many public allegations of unethical behavior in our government and in the Army, as well as the changes in our organizational structure have probably contributed also.

I would be very hard pressed, sir, to be able to put my finger, at this time, on the contributing causes. I am dismayed by what has occurred, and I haven't been able to sort out any specific thing that I think led to this incident.

Senator BARTLETT. Would any of the recent cadets like to respond to that question?

Lieutenant KEENE. Sir. I find it very hard to arrive at any single particular reason why. It was really tough to predict, as Colonel Buckley said at the time we wrote the report. Perhaps a current reading might indicate some things that we can now look back at and perhaps draw a conclusion after the fact.

But at the time we collectively—as we said—did not come to any specific conclusion.

Senator BARTLETT. Colonel Mead?

Colonel MEAD. I think, sir, that what he is referring to is some of the attitude information that we got in the survey.

First, I should point out that the attitude survey did reflect, to a fair extent, shifts in values that Colonel Buckley indicated—a higher commitment to individual values rather than the more abstract ideals of the institution and society. The impact of some structural changes at West Point, which Colonel Buckley alluded to in his opening statement—the size of the Corps, and the attendant change in cohesion, identity, and so forth. Some systemic pitfalls if you will, possibly a poor choice of words, but the obvious commitment to the asumption that every cadet in the classroom did not cheat; and various methods and procedures that we used would possibly have contributed to changes in the honor code system. Colonel Buckley's point that an increase in acknowledgement of due proces, and an increasing number of officer boards rather than resignation, and some recent events impacted on the system.

And finally, as we looked at the survey data—and maybe I should preface my remark on survey data and say that this, to our knowledge, was the first systemic survey of cadet attitudes about honor that had been taken. As such, we have no baseline at all.

What we say about one class at a certain time in its cadet history, whether it be a sophomore class or whatever. We had no way of knowing that the senior class which appeared differently in our survey may have looked that way 2 years earlier. And as a result, the comparisons were surely conditioned by a sense of a kind of statistical inadequacy, if you will, and the inability to draw conclusions directly from them.

But I think all of those somewhat contributed.

Senator **Bartlett**. I will rephrase the question for Lieutenant Grech.

Based on your knowledge of the study—can you look back and see any reasons for the crisis that has come; and if so, elaborate.

Lieutenant **Grech**. Sir, as far as the reasons for why some individuals, apparently, in the class of 1977—we are not sure of exactly how many at this time—may have had a less strong feeling in support of the code than other individuals at the Academy, the only thing I can say is that I would expect that if something affected the class of 1977 it would have also affected other classes. And yet, after living for 4 years at West Point; after living in the laboratory, if you will, of the Academy for 4 years and experiencing the comments and the discussion that resulted after the initial exposure to this problem, I cannot understand how this happened in this instance, because all of the comments, well I shouldn't say all—but a great great majority of the comments—not only of people talking directly to me, but of conversations which I overheard walking in the hallway, et cetera—I found to reflect a total exasperation, total amazement on the part of individuals—individual cadets—who could not believe that this was happening. And I would expect that if this situation was something that was happening throughout the whole Corps, that there would not be this amazement on the part of other cadets.

And therefore, to try and point out, like you said, sir, specific instances that I can look back on as to why it would affect this class, I can not give you a legitimate answer, because it has never affected the other classes and, therefore, I cannot pick anything in particular.

Senator **Bartlett**. Is the amount of preparation by the cadets in the class of 1977—the indoctrination of the cadets—was your class of 1976 the same?

Lieutenant **Grech**. Sir, the number of lessons that the class of 1977 received during the first summer at West Point should have been the same as our class received. I am not positively sure, because I wasn't present.

The only point that could be made is that the class of 1974 Honor Committee did have several problems with decisions being overturned by officer boards and other problems within the committee; and therefore, that may have influenced the instruction that they received.

Senator BARTLETT. Would each of the recent cadets tell me what level of cheating or support of the honor code has been their observation personally—starting with you.

Lieutenant GRECH. Sir, as far as cheating goes, I have never turned an individual in for cheating. Therefore my knowledge of cheating is completely zero. If I had known about it, I would have been required by the honor code to turn it in. However, I am sure that there are individuals within my class who have cheated, and I personally think that number is very small, sir. No matter what system, you are not going to be able to catch every individual involved. But again, sir, as I've stated, I think that as to the best of my knowledge cheating did not exist.

Senator BARTLETT. Would the others respond to that?

Lieutenant REID. Sir, as far as my experience is concerned, I personally observed a cheating incident only once in my years and I reported that one, and I believe that the level of cheating was very small. Talking with my classmates and observing the company representative—down at that level—we had very little cheating. Regarding the honor problems, the cadets generally had a very good idea of what was expected of them and how they were to react to the educational process. It was continuous throughout the year, and for all 4 years there generally was very little problem that I experienced.

Senator BARTLETT. Thank you. Thank you, Mr. Chairman.

Senator NUNN. Mr. Culver.

Senator CULVER. Thank you, Mr. Chairman.

Colonel Buckley, I was particularly interest in the historical section of your report where you point out that there used to be more flexibility in the Honor Code System at West Point than is true today. As late as the 1930's, I believe, there was some sort of a quiet policy of second chance that you make reference to—for just minor offenses, for example.

Would you like to explain that history further to us and can you say why the single sanction of expulsion has been adopted in recent decades?

Colonel BUCKLEY. I'd like, if I may, Senator, to just make one comment and pass the ball to Captain Wilhite, who is our expert in this particular area.

It seems to us that in looking at the history—one reason we did rather carefully—was that we found that the history of the honor system had not been very consistent, as is probably the case with most human systems. There had been many changes and many variations and many perceptions have grown up around the system. For that reason, I think it is very helpful to look at it, and the points you make are the ones that we found very interesting to consider.

So I would like to ask Captain Wilhite, who did that portion of the study, to respond directly to your question.

Captain WILHITE. When we first organized the historical research, we tried to organize it around certain focal points that we had identified as those things which we felt before the study began had constantly been a source of controversy, and we found out, as we went along, that our institution was essentially correct.

The honor system was formalized in 1921 by General MacArthur and all the official statements that we came across about the code and system at that time said that, in effect, there is no discretion in the code. So in order to attack the problem of what exactly was the cadet attitude at that time, I conducted a survey in which I wrote letters to all former honor chairmen that were still alive and around; former superintendents and former deputy commandants.

And it was from the survey that I gleaned the information that in the 1920's and 1930's, as you have indicated, there was a more lenient policy in the area of sanctions. In fact, I can read a quote from the chairman in 1934, I believe: "A man whose record and reputation for the truth and veracity showed that he has at all times abided by the principles of our system should not be dismissed for a minor slip. The unforgivable offense is a premeditated crime, or series of crimes, showing a dishonest frame of mind." So I think that is sort of representative of the feeling of the time.

However, as we trace into the late 1930's and 1940's, this disappears from the system. There was an evolution, I think, of the absolute sanction which essentially has been in effect consistently since about 1940.

Colonel MEAD. Sir, may I add just one comment on that.

Historically, when less than the single sanction was imposed it was primarily done for minor offenses, and only if there was extenuation of some sort. In fact, part of the model for the committee was drawn from the history where we saw that kind of flexibility being exercised. But it was for minor offenses. For more serious offenses, such as false official statements, lying and cheating, expulsion still was the general rule.

Senator CULVER. You don't see any conscious review that gave rise to that single sanction? It was just a historical evolution that turned on the personalities and the administration from one period in the corps experience? There is no benchmark decision of strong nature?

Captain WILHITE. No; I think there is no benchmark. I would say that is correct.

Senator CULVER. One of your recommendations in the Buckley report is for limited discretion in punishment.

Why do you believe such a change would help the corps; and second, do you think it would have had any effect on the most recent cheating incident at West Point?

Colonel BUCKLEY. As has been stated, sir, there are quite a few of us that feel a little greater degree of flexibility within the system as presently structured would be beneficial and would recognize many of the human problems which are inherent in such a challenging code of ethics. There are, of course, many places that discretionary action can be exercised, although the term is generally being used to talk about a vote or an actual formal action. There are actually some other places that discretion has crept into the system as it is exercised.

But I think the majority of us feel that there should be a little more flexibility in the present system in order to gain, and insure we gain, full participation in the nontoleration aspects of the code.

And second, a degree of flexibility would aid the good management of such a difficult system and allow for adjustments as are necessary at the time.

There are also many members, both in the corps of cadets and others who are familiar with the system, who would argue in opposition to that point. It has, I think, been a pretty heavily debated issue.

I'd like to pass your second point, sir, to Captain Thoden who worked in an area of attempting to restructure the process. He was a member of an adjunct committee we organized later. It was an effort to come at this from a slightly different direction. I'd like him to say just a word about that. I think it would be helpful.

Captain THODEN. We found, from looking at just the structure of the system, that the heart of this problem was the legitimacy problem.

Senator CULVER. Was what?

Captain THODEN. By legitimacy, I mean an honor code of the type that could not exist without the belief in, and the understanding of, and the feeling of responsibility for, by the participants. And this is what we mean by legitimacy.

If the cadet doesn't believe in the system, if he perceives that he had no proprietorship, no responsibility for it, then the system will not work under any conditions. We cannot do it by fiat, in other words.

But we found that the tendency to have a single sanction, and no over discretion, led to members of the various boards—I'd like to read this, if I may, because this is the statement in the form that I wrote it.

> The members of the borads are restricted to choosing between a valid finding resulting in an automatic recommendation to dismiss or an invalid finding, resulting in the total vindication of the accused.

Board members tended to dismiss a case because the punishment was either disproportionately severe or vulnerable to challenge at a higher level, rather than solely on whether the allegations are supported by fact. And when two different boards, say the officers boards versus the cadet board, perceive this in different ways, you get a conflict which risks degrading the competency of the lower boards.

We sensed not a crisis, but we sensed a sign of trouble as we looked at an increasing number of overturned boards as the case proceeded up the line.

Senator CULVER. Was the pattern of that review normally one of greater toleration or less? Or was there any pattern?

Captain THODEN. Well, the gravity of the vote, you mean?

Senator CULVER. Well, was the initial convening authority generally more conservative in the administration of punishment or more liberal?

Colonel BUCKLEY. We have figures here, sir, if you'd like to——

Senator CULVER. I was just curious about what kind of resolution——

Captain THODEN. The unanimous decision of the cadet board I would say is more conservative than is the manner of reaching a decision as you progressed up to the other board.

Senator CULVER. You found that, in effect, it was the officer board of review that found it necessary to be more discriminating and sophisticated and refined in the administration of the appropriate punishment?

Captain THODEN. I have no personal knowledge of that, because I never sat on an officers board in any case. But that was our——

Senator CULVER. But that is what the empirical data would suggest?

Colonel MEAD. Sir, the empirical data does suggest that there is a fair degree of conflict between the officer board findings and the cadet honor board findings of the last few years. But, I should point out that the officer board is a de novo hearing, which means new evidence can be introduced, as you know.

The officer board finding is based on the substantial evidence criteria; the cadet honor committee uses the "beyond reasonable doubt" rule aspects of the case, and also there may be procedural reasons that an officer board would turn a case back. So some of the conflict is more apparent than real in that regard.

But in fact, the empirical does suggest, particularly in recent years, that there has been more difference.

Senator **Culver**. My time is up.

Senator **Nunn**. Senator Leahy?

Senator **Leahy**. Mr. Chairman, I just wanted to follow up one question with Lieutenant Keene, following what Senator Bartlett had asked.

Lieutenant, you mentioned that in your experience at West Point you had only one instance where you discovered somebody was cheating, and you reported that. What happened in that particular instance? Was the person expelled or——

Lieutenant **Keene**. No, he was found not quilty by the full honor committee.

Senator **Leahy**. Now, Colonel, to go back to something that we discussed right at the beginning of this hearing, on page 8 of your report, you say that the present cadet honor code system is viable as constructed, though changes in the system may strengthen the code by recognizing the changing conditions and circumstances in the routine of cadet life. And you say that the honor code will never be anachronistic, but the specific application of ideal principles are invariably linked to the conditions in which they operate.

Could you expand on that just a little bit? I am concerned that that might be leaving a very large loophole. Are we going to have—or is there an honor code that exists sort of for all times for all places, or does this allow for some very subjective forces to come into play?

Colonel **Buckley**. Sir, as you know, that was a general conclusion at the end of a long study.

Senator **Leahy**. I understand.

Colonel **Buckley**. And it may have some of the demerits of those sorts of generalities. I think, sir, what we are trying to be sure was understood was that we had to consider the world about us and the situation in which the system operated—not the code, sir, but the system. The code we held was an excellent standard fcr conduct—a perfect goal for cadets and officers to attempt to achieve.

But we, at the same time, recognized that the system was a constantly varying sort of a human system. Its history pointed up to us clearly that there hadn't been a great deal of consistency in many aspects of the system, and we recognized that it had to be continually looked at and modified in order to insure that it was working properly.

I don't think any member of the study group was attempting to imply that the basic values themselves were suspect or should be altered. I think that we so generally assumed that those values were held important and essential, that we didn't consider it in that way.

Senator **Leahy**. Well, Colonel, if you could help me just a little bit further on that. If you could just give me an example of how outside influences might affect these principles.

Colonel BUCKLEY. Outside influences on the system itself?

One very fundamental outside influence was a change that we've entitled the greater recognition of due process by the judicial part of the house. We experienced it very specifically by greater challenges within the courts and within our own system. Earlier on, sir, there were very few cadets who asked to have their cases heard by an AR 15-6 Board, or a so-called officer board, after they had been found guilty by a cadet honor committee hearing. In the last several years, many, many cadets have asked for that, and that created a change—a very distinct change—in the way the system operates.

Senator LEAHY. Do you consider that a step forward or a step backward?

Colonel BUCKLEY. I think that having the AR 15-6 Board was an absolute essential step in the system and it was proper and appropriate, and we could in no way avoid this step in the system. I think that the fact that so many cadets have asked for an AR 15-6 hearing is a fact of the times. I would not want to put a value judgment on. I think it should be offered to every cadet. If he has reasons to want to use that process, he should be entitled to do.

So I don't think it is really good or bad—I think it is a necessary step and it is proper.

Senator LEAHY. As I understand——

Colonel BUCKLEY. We proposed, sir—because we thought it was such an important change in the way the system operated—that the Special Adjunct Committee that Captain Thoden worked on look at several proposals that would incorporate that new event, so to speak, into the system a little more smoothly. One proposal was that the AR 15-6 Board would actually include cadets, not members of the honor committee but cadets drawn in jury fashion from the senior class and seated along with the officers on the board. The hearing would then continue to be a part of the cadet process, but at the same time it would carry on in the fashion provided for by Army regulations which insures protection of the accused and full due process.

Senator LEAHY. Colonel, as I understand it, you have a certain amount of training in the honor code itself when the cadet first comes to West Point. Is that correct?

Colonel BUCKLEY. I am sorry, sir?

Senator LEAHY. Well, when a cadet first comes to West Point, they are instructed in this application of the honor code; is that correct?

Colonel BUCKLEY. Yes, sir.

Senator LEAHY. And are they given any kind of training—classroom training, discussion seminars, things of that nature?

Colonel BUCKLEY. Yes, sir, quite a bit; and our study recommended that this be greatly enhanced and we have, this past year, done a good deal more and we hope to do more in the future. We are certainly learning that education is the best way to insure, first, that he understands why the code is important, why a code for professionals is absolutely necessary; and second, how it relates to his daily life at West Point.

Senator LEAHY. And are they told that this is supposed to carry on once they become officers in the Army? Is this supposed to give them the foundation for activities from there on?

Colonel **Buckley**. Most emphatically, sir. Yes; that is its essential purpose. If it doesn't do that, we are not doing what we should be doing.

Senator **Leahy**. And has anybody been cynical enough to suggest that it has broken down with numbers of graduates of West Point—there are some very notable instances in recent years—after they left the Point? And if they have, has that created any problem in the application of the honor code at West Point?

I am thinking of some of the instances in Vietnam. I am sure you and I can think of the same ones.

Colonel **Buckley**. Yes, sir. In my particular course—we have one article that reviews all of the horror stories. We make no bones about them, sir. We are bothered by every one of them.

But I think it is all well to consider the tremendous number of graduates that have had this code as a way of life for some years, and who continue to live in that fashion after graduation. I think there is more than a balance in that sort of thing.

Senator **Leahy**. Did you find in your study that any of the cadets felt that they were being subjected to an unnecessary double standard or an unfair double standard, concerning the fact that other officers had covered up improper or illegal activities of fellow officers? But did any of the cadets raise the point, or was there any kind of feeling that your study found that these cadets felt that they were being subjected to an unnecessary or unfair double standard?

Colonel **Buckley**. That point is frequently discussed, sir. Perhaps the best man to give you an honest answer would be a young man who had just spent 1 year after the Academy in an Army unit, sir. So I will turn it over to Lieutenant Reid.

Senator **Leahy**. Thank you, Colonel. Lieutenant?

Lieutenant **Reid**. Well, sir, looking back to the 4 years at the Academy—of course I was there during the time when a lot of the allegations of high officials telling lies or covering up were made. This did dismay me, but it didn't deter me from attempting to live up to the standard of the code.

It was viewed—particularly after I took over as chairman, as you more or less said—that if in fact there were officials who were less than honest, it was more important than ever before that we continue to produce men of high integrity at West Point.

Senator **Leahy**. Do most cadets believe in the honor code, now?

Lieutenant **Grech**. Well, sir that's been my experience. I'm sure there are exceptions, but I would say, in general, yes. Yes; we do.

Senator **Leahy**. In your recommendation, Colonel, you mentioned here, in answer I believe to Senator Culver's questions, that one of the things you recommended was more flexibility; and I understand you defined that. How many specific recommendations did your report finally make?

Colonel **Buckley**. We tallied up, I believe 26—you might classify it 27. It depends upon what you call a recommendation. I think the actions taken in those areas were numerous. I think the figure is about right.

Senator **Leahy**. Those specific recommendations are included in your report?

Colonel **Buckley**. Yes, sir.

Lieutenant **Grech.** Sir, if you total up the recommendations that the special study group made, there are 28 recommendations if you include the recommendation of Captain Thoden's group. That is, 28 total.

Of those, 4 were reaffirmations of the system as it worked then additionally, the honor committee, at its meeting at the beginning of this year—that is, the class of 1976 honor committee—accepted completely 8 of the recommendations, and accepted partially 6 of the recommendations, and that makes a total of 18 out of 28 which were in some manner accepted in the system, as it stands now.

In addition, four are still under consideration, and on six recommendations no action has been taken.

Senator **Leahy.** Mr. Chairman, I ask that we have that broken down at some point here in the record: the number of recommendations that have been accepted, those that have been rejected, those where no actions have been taken. I think, for the hearing record, it would be well worth having.

Senator **Nunn.** Colonel Buckley, would you supply that for the record? We will keep the record open for several weeks. If you would trace your recommendations and what has happened to them, we will add the answers we receive about the various recommendations to the hearing record.

If you would number those and just show what has happened to them.

Colonel **Buckley.** Yes, sir.

Senator **Leahy.** I know I personally would like to see it.

Senator **Nunn.** I think that would be very interesting.

[The information follows:]

SUMMARY OF ACTIONS TAKEN AS A RESULT OF THE SUPERINTENDENT'S SPECIAL STUDY GROUP ON HONOR AT WEST POINT (23 MAY 1975)

The report of the Special Study Group contained a number of specific recommendations put forth in four categories. These categories are:

a. Discretion/sanctions.
b. Familiarization/education.
c. Procedures.
d. Structural modifications.

Both the,Cadet First Captain and the Chairman of the Cadet Honor Committee of the Class of '75 were members of the Study Group and. as a result of data collected and analyzed and of the ensuing discussions, some actions were initiated and procedures modified while the study was still in progress. In addition, the annual review of the Honor System by COL Lough, the Professor of Law, and a more specific study related to the Honor System directed by COL Fitzpatrick, then the Deputy Commandant, influenced the thinking and actions of the Cadet Honor Committee during the same period of time.

The following is a summary of the actions taken related to the Superintendent's Special Study.

a. The appointment of two cadet vice-chairman to aid the chairman of the Honor Committee. The special designation and adjusted living arrangement of these cadets to enhance the status of their positions and to provide a better work situation.

b. Other personnel and organizational changes to enable the committee to work more efficiently.

c. The establishment of an Honor Hearing Room and records center and the provision of greater staff and faculty assistance to the Honor Committee.

d. The establishment of closer ties with the Honor Committees of the other service academies and with those colleges and universities throughout the country that have honor codes.

e. The development of a written set of procedures for the guidance of the Honor Committee. This action also addresses the serious problem of continuity faced by the Honor Committee each year.

f. A number of procedural changes directed at ensuring a greater degree of "due process" in the system.

g. Several actions directed at removing the mystique that had traditionally surrounded the system. (These included providing a specification of the accusation, open hearings, standard procedures, confrontation of witnesses, a report to the Corps of the findings and others.)

h. Several major actions were taken to enhance cadet familiarization with the Honor System and their understanding of the important role of professional ethics. (This included a revamped Cadet Honor Education program, honor seminars, and consideration of ethics in the educational program).

i. The Study Group recommendations served as a basis or source of data for a host of procedural changes that already have been accomplished or are still under consideration. These include clarification of the meaning of a cadet's signature, modification of the Absence Card, handling of plagiarism cases, specification of elapsed time from report to hearing, timing of the election of honor representatives and others.

j. The recommendation of the Study Group concerning "Discretion" has not yet been enacted but it did cause this serious matter to be widely considered (in fact put before the Corps of Cadets as a referendum) and greatly clarified.

k. The report contained a detailed description of alternative methods of reacting to such issues as cadet involvement/ownership of the system, the relationship of the Cadet Honor Committee hearing to a hearing by an AR 15–6 Board and, to a degree, the single sanction syndrome. These alternatives have focused attention on problem areas and led to further discussion and analysis.

l. The Special Study Group provided a review of the fundamental philosophical issues that have both sharpened the focus and improved the understanding of the officers and cadets involved. There are no universally acceptable solutions to the complex issues of human morality but the Study Group did contribute to bringing some of the issues applicable to the USMA Honor Code into the open.

A specific analysis of the listed Study Group recommendations and actions taken to include a categorical tabulation is inclosed.

Page numbers indicated are those used in the Special Study Group Report.

1. DISCRETION SANCTIONS

a. Discretion Pg E–1

After formal presentations of arguments for and against, the concept was presented to the Corps of Cadets as a referendum (5 Feb 76). The recommendation did not receive the required ⅔ majority to pass. The vote was 54 percent in favor and 46 percent against.

b .Voting Policy Pg E–4

This recommendation was considered by the 1976 Honor Committee but was rejected on the grounds that the unanimous vote provides the greatest amount of due process to the cadet under investigation.

2. FAMILIARIZATION/EDUCATION

a. Familiarization Pg E–6

Action was taken to implement this recommendation. Fact Sheets concerning recent Honor Board decisions and other points of interest pertaining to the Honor Code and System are currently posted in Cadet Company and Academic Department areas. In addition, weekly company meetings are held as necessary to discuss honor matters.

b. Chairman Conference Pg E–7

This recommendation was accepted. Two Inter-service Academy Honor Conferences were held this past year. The second was expanded to include the Coast Guard and Merchant Marine Academies. More such conferences are scheduled for next year.

c. (1) Semester Ethics Course Pg E–7

This proposal has been further studied by the Academic Board and, in general, the minority recommendation is being adopted. Additionally, emphasis is being given the subject of professional ethics in the existing academic curriculum. Honor Committee instruction has been expanded in this area.

d. 4-year Education Program Pg E–8

This recommendation has been enacted. The Vice-Chairman for Education has developed a 4-year Honor education program which addresses both the indoctrination of new cadets into the system and the importance of the Cadet Honor Code as a foundation of the Army officer's professional ethic.

e. Ethics Committee Pg E–10

The minority recommendation is being allowed. No ethics committee has been formed; breaches of conduct and unethical behavior not under the purview of the Honor System are handled under the rules of the Cadet Disciplinary System.

3. PROCEDURES

a. Signature Pg E–12

This recommendation has not yet been considered or acted upon.

b. Absence Card Pg E–13

This recommendation is still under consideration. The Commandant's staff is presently considering various alternatives to the present accountability system.

c. All Right Pg E–14

Recommendation was taken, i.e., no change has been made in the present policy.

d. Improper Question Pg E–14

The recommended course of action specifying no change was accepted.

e. Plagiarism Pg E–17

This recommendation has been put in effect. Instructors are allowed to confront cadets suspected of plagiarism.

f. Regimental Investigating Office Pg E–19

This recommendation was essentially enacted. The Honor Committee has designated a Company Honor Representative in each regiment to serve as Assistant Regional Investigating Officer and to be utilized for investigations in order to reduce the overload addressed in the report.

g. Time to Investigation Pg E–19

This recommendation was accepted. The total time limit for the handling of a case under normal circumstances is now established as two weeks.

h. Cadet Adviser Pg E–20

This recommendation was enacted. A cadet adviser is appointed in each case and the adviser is provided with a checklist.

i. Informing the Accused Pg E–21

This recommendation has been put into effect. The accused is now informed in writing of his suspected offense.

j. Officer Attendance Pg E–21

This recommendation was accepted. Officers are now permitted to be present at Honor Board hearings with the consent of the concerned cadet.

k. Open/Closed Boards Pg E–22

This proposal was put in effect before the report was submitted. Hearings may be open or closed depending on the desires of the accused and the judgment of the Chairman.

l. Jury Selection Pg E–23

Honor Committee procedures are consistent with the recommended course of action.

m. Accused present at hearing Pg E–23

This recommendation was accepted. The accused is now permitted to be present at the hearing except during the deliberation of the Board on his guilt or innocence.

n. Confrontation of Witnesses Pg E–24

This recommendation has been partially enacted. The accused is able to question witnesses but only in writing.

o. Duties of Chairman Pg E–25

This recommendation has been partially enacted. The position of Chairman is the cadet's sole duty and he is a cadet captain, however, he does not live in his company area.

p. Election of Honor Representatives Pg E–25

This recommendation was considered but not accepted. Honor Representatives are elected in the Fall of the second class year.

q. Procedures for Orderly Change Pg E–26

This recommendation has been implemented. A subcommittee to address changes in the honor system has been formed within the 1977 Honor Committee.

r. Assistant to the Honor Committee Pg E–27

This recommendation was enacted. An officer has been given the sole position as Adviser to the Honor Committee and has secretarial support.

s. Academic Honor Liaison Officer Pg E–28

This recommendation has not been fully implemented. Each department does have a contact point for the Honor Committee but no standardized arrangement has been established.

t. Transient Barracks Pg E–29

This recommendation is still under consideration and no final decision on the status of transient barracks has been made.

4. ANNEX F (STRUCTURAL MODIFICATION)

The recommendations in this area are still under consideration.

TABULATION OF ACTIONS TAKEN ON RECOMMENDATIONS (LETTERS REFER TO THE RECOMMENDATIONS MADE IN EACH AREA)

		Positive action				
Area	Number of recommendations in each area	Recommendation already included in honor system	Recommendation completely taken	Recommendation partially taken	Pending action—recommendation still being considered	No action or negative action—recommendation not yet acted on or not taken
Discretion/sanctions	2					2
Familiarization/education	5		(a b, d) 3	(c, e)[1] 2	0	0
Procedures	20	(c, d, k, l) 4	(g, h, i, j, m, r) 6	(e, f, n, o) 4	(b, q, t) 3	(a, p, s) 3
Annex F	1	0	0	0	1	0
Subtotal		4	9	6	4	5
Total	28	4	19	6	4	5

[1] Minority recommendations taken.

Senator LEAHY. My time is up, Mr. Chairman, but I might say that I do not envy Colonel Buckley and the others—the job of going back through those, or the difficulty in making recommendations, especially in the layers of charges and countercharges that are going back and forth.

I hope for the sake of the Army and for the sake of West Point that those recommendations which you make serve well for the years to come.

Senator NUNN. I would like to pose a question, getting back to the line of questioning that Senator Bartlett had awhile ago, relating to the class of 1977 where we have the current problem. On page C–8 of the study, I am going to quote this to you and ask you to comment on several parts of it. This relates to the third class attitudes, and I quote the report:

The question asked shows that third classmen tend to be less supportive of the honor code system. They are inclined to accept certain actions which are currently violations of the code by about 10 percent more than any other class. The third class also had 10 percent more respondents who indicated that the honor code inhibited their personal growth and has been detrimental to their development as an officer.

It appears as though they have significantly less faith in the honor procedures and considerably more disillusionment with the honor code and system.

The attitudes of the Third Classmen may be a result of one or more of the combination of the following: (A) Cynicism and apathy, due to the lack of involvement in the system, a condition often referred to as the "yearling syndrome"; (B) a backlash against the number of Third Classmen separated for plagiarism; (C) a reaction to the circumstances surrounding the graduation and noncommissioning of the chairman of the 1974 Honor Committee, the man who provided them with the preponderance of the new cadet honor instruction.

Now, I want you to comment on each one of those, and I will ask them in order, but first of all, a general question, on that overall finding of the committee. It seems to me that you were able to predict in your report without being specific that the Class of 1977 had more problems than any of the others, and this was long before this episode came up. Therefore, I would like to ask you, Colonel Buckley—and you could give us your opinion and then field this out, and I will ask any of the others to comment, if it is not accurate for us to assume that you did, in fact, predict that there were potential problems with the Class of 1977. Maybe you can amplify that.

Colonel BUCKLEY. Sir, the facts were, of course, as you state them. In context, our ability to put all those facts together and to make a prediction that we are willing to stand behind, at that time was a little less accurate than I wonld like it to have been.

In hindsight, a lot of things stand out which we probably could sustain, as you said.

Senator NUNN. Well, this was written before this took place, though, and it seems to me, although you did not predict the class of 1977 would have 171 suspected violators in March of 1976, you did delineate and almost predicted exactly what has happened.

Lieutenant ABCOUWER. Sir, I would like to explain the yearling syndrome to you. I am not sure that this syndrome is the cause of the discrepancy in the class of 1977, or not. But I have been a third classman at the Academy, and I have seen other third classmen go through what we speak of as the yearling syndrome.

It is a time when you have just completed your fourth class year. It is somewhat of a letup in pressure when you come out of the fourth class system, which is very rigorous and very demanding.

Senator NUNN. Fourth class system, meaning what?

Lieutenant ABCOUWER. The fourth class system at the Academy, sir, is the special system which we have that is designed to give the man in his first year at the Academy a very rigorous, intensive training period.

Senator NUNN. Right.

Lieutenant ABCOUWER. Now, the third classman has just come out of that. He is faced with perhaps the most rigorous academic year that the Academy has. He, in addition, is not involved in the chain of command, in a lot of the decisions that are made in the Cadet Corps. The cadets become squad leaders when they are second classmen, in their junior years, and first classmen, of course, have the majority of the leadership positions.

So, it enhances the feeling that he really does not have a say-so in what is going on, and that is what we call the yearling syndrome. That could explain the difference in that class' attitudes at that time.

Senator NUNN. Well, it seems to me you are saying that when you did the survey no matter which class happened to be the third class—that if you had done it in some other year, this would have come out a lot different.

Lieutenant ABCOUWER. Possibly.

Colonel BUCKLEY. Possibly.

Senator NUNN. Well, do any of the others of you want to comment on the general question first?

Colonel MEAD. Yes, sir. I would like to just add a couple of points on the basic survey data we had on 1977. It is true that we do show—I would like to give you a couple of percentages just so you can see the kind of soft attitude data we were dealing with which made it very difficult to give us any confidence we could take or recommend any severe action.

We asked the question whether or not the honor system significantly contributed to the personal development, had little effect, or restricted personal development. The class of 1977—and it is very dangerous to generalize about a class—but it had 11 percent of that class responding that it restricted their personal development. Among the class of 1976, by whom I am flanked here, 5 percent responded in the same way So, the class of 1977 responded at over twice the percentage level as did the class of 1976.

Again, the significance of that is somewhat open to question.

Now, there was a pattern, as you know, throughout that showed that 1977 paid less attention to the system in the process.

We explained it by the yearling syndrome because I think we just could not know whether the class of 1975 looked the same way as yearlings as the class of 1977.

Senator NUNN. Let me hear from each one of the cadets now on this general question about the class of 1977 and the Buckley report.

Lieutenant Reid?

Lieutenant REID. Well, sir, I have to agree with Abcouwer that all of us in the Academy—all of the old grads would probably say the same thing—experienced about the same conditions in our development stages; and as yearlings, I know that I personally felt a little bit that I had no place. I did not have a voice in the chain of command, and I had just finished my freshman year so I could speak, but nobody would particularly listen to me, so I was a bit cynical. I did challenge a lot of things.

At that time, we were having some problems with the honor committee. It was in the news at the time, and, of course, some of the cynicism was directed toward the honor committee. Two years later, I was chairman of the honor committee. I think everyone in my class changed in that 2-year period, just as I did.

I think the yearling syndrome does have a great effect on the behavior of the yearling class, but it does not necessarily predict that the class will continue to have that kind of attitude.

Senator NUNN. Well, in effect, this class, though, when they became second classmen, did continue this attitude, so the facts have shown that some of these attitudes probably did not change.

Lieutenant REID. Yes, sir, but I think it would be impossible to predict based on one survey that that would have occurred.

Senator NUNN. Let me ask this, Lieutenant Reid, and then I will ask each of the other cadets this question, then my time will be up. Do you believe that particular classes have been affected—for instance, the class of 1977 or others—in a very detrimental way, in their attitude toward the honor system by the post-Vietnam era, the Watergate scandals that have gone on in Washington, the overall problems of morality in society in general and high Government officials, and so forth? How much effect has this had, in your estimation?

Lieutenant REID. Sir, I think it has an effect, and it is difficult to gage, but it has not been significant. Of course, it's more apparent now. People are more conscious of high officials, their behavior, and the way they conduct themselves in office, and of course, high ranking officers that have been involved.

I believe it does have an effect. I do not think it is particularly detrimental. As a matter of fact, it may be just the opposite. I think more emphasis is being placed on integrity within the Corps, as it is elsewhere in American society. So, I think it may have a more positive aspect than some people believe.

Senator NUNN. I believe we got that same sentiment from the Air Force officials, saying that they felt that they are more conscious now, because of the wrongdoings and so forth, of the need for integrity and the need for honor.

Let me ask one of the others that question very briefly.

Lieutenant KEENE. Sir, I also agree that it has generated a lot of discussion among the cadets who are thinking about it a lot. They realize the need for integrity in serving their country in public life and also it points out very vividly the fact that you do need this code, you do need to inculcate this set of absolute principles of honesty in future officers, because they will have to apply them in the real world when they get out there.

So, it has definitely emphasized and heightened the consciousness of the corps with regard to integrity.

Lieutenant GRECH. Yes. Again, sir, I feel like the lieutenants feel, that in the corps, the awareness that some of the problems of high Government officials and high Army officials had in recent years indicates that there is a real need for professional ethics which gives us a real purpose for the education and the familiarization that goes on during honor code instruction.

Specifically, in the last year, as a result of both this study group and as a result of recommendations made by the honor committee themselves, we included in our instruction this last year—which will continue—seminars and talks with officers who have been in combat, who have had large responsibilities. Cadets have received these sessions very well and have reacted very positively.

They understand now much better the reasons why the code is so important.

Senator NUNN. Thank you.

Lieutenant ABCOUWER. Sir, I do not doubt that with recent issues—and recent issues have given some people some ammunition with which to rationalize and say, if those men or woman can do that, why can't I, or why do I have to be so honorable. And in the vast majority of cases, I contend—and based on my personal experience—that these issues have just strengthened the feeling for—desire for honor and integrity within the corps.

Senator **Nunn**. Thank you very much. I want to pursue No. B of your reasons, the backlash against the number of third classmen separated for plagiarism, and No. C, a reaction to the circumstances surrounding the graduation and noncommissioning of the chairman of the 1974 honor committee that provided the new cadet honor instruction.

I want to ask you to direct your comments to each one of those reasons that the Class of 1977 may have, but I yield to Senator Bartlett at this time.

Senator **Bartlett**. Thank you, Mr. Chairman. Colonel Buckley, you do not propose that the nontoleration clause be changed, yet your report shows that 45 percent of the cadets do not feel that toleration should be a violation, and 42 percent do. I personally do not see how an honor code can work, or an honor system, if there is not a nontoleration clause.

It appears to me that these figures are rather significant. That either shows there was not sufficient indoctrination or conviction or knowledge on their part of how a system of an honor code would be implemented, or an honor code would work. I just wonder what your response to this was, because 45 percent is a very sizable number that do not believe that toleration should be a violation.

Colonel **Buckley**. Yes, sir, and we concluded, just as you did, that we have got to do a better job of teaching and indoctrinating, to insure that it is understood. It is a sensitive issue. It is one that is very difficult for anyone in our society to understand the need for, particularly for young people that have not experienced a degree of sophistication, so we have got to do a better job of explaining why the nontoleration clause is important.

Senator **Bartlett**. Is it very normal that an extremely higher percentage—I do not know what it would be—but far over 75 or 80 percent of those becoming cadets would not want to report a violation? Is that not just normal, like apple pie? That was my case, when I was brought up.

Colonel **Buckley**. I would assume you are completely correct, sir. I do not have any numbers or figures to go on, but I suspect that yours are about right.

Senator **Bartlett**. Do you, from your study, believe that what the Air Force does, by having a man stand up and pledge to support the honor system, is a good part of that approach? There is a culmination of the training and indoctrination, an action on their part to show their full support. Does that appear to you as a good thing to do?

Colonel **Buckley**. Yes, sir. I think Lieutenant Reid came back impressed with that particular process when he was out visiting the Air Force Academy, and I am certain the Superintendent is looking at some dramatic moment like that as a part of our system.

Senator **Bartlett**. 41 percent of the corps favors separation as the only sanction, while 49 percent do not favor a single sanction. Is this what led you to recommend more flexibility? Is this one of the main reasons that led you to recommend more flexibility in the system?

Colonel **Buckley**. We certainly agreed with the majority view of this issue. The fact that we had that size of a response to an attitude survey contributed to our feeling that we needed greater flexibility, sir.

Senator **Bartlett**. I think most of us would agree that truth is absolute, but—and I know that some people have written me, and perhaps some of you referred in your comments this morning—that therefore, one sanction would be the penalty. But I am wondering, can there be a mixture of truth in a violation? If a cadet cheats on an examination and then reports himself as cheating after the fact, would that be a mixture of truth and more ethical than the one who cheated and then swore continually at various hearings that he was not cheating, and yet there was absolute evidence that he had cheated? Would there be a difference, in your opinion?

Colonel **Buckley**. Yes, sir, and this is an issue about which you have already heard. We have some division here in our agreement to that particular point. But I for one believe that the factors surrounding the event do have to be considered at some level, and there are differences in the particular incident that need to be considered before any proper and just decision can be arrived at.

Senator **Bartlett**. In your report, there appears a statement that the code will be retained but must be recognized as a goal, and not as an actuality. What does that mean?

Colonel **Buckley**. I think that was some of the rhetoric, sir, that we put in the philosophical section, with the deliberate intent of addressing an issue that we ourselves probably did not fully understand at the time that the report was being developed; and that is, the argument that is going on regarding situational morality and absolute morality.

As I say, I do not think we fully understood it at the time. We did debate it and argue it at length, and we felt it was desirable to pass to the Superintendent that underlying issue.

Senator **Bartlett**. I asked earlier in my first round of questioning, and I think two former cadets—recent cadets—responded as to the incidence of cheating as they observed it. Could any of the rest of you respond on that?

Have you observed or heard about the incidence of cheating? Is cheating at a very low, miniscule level, or is it considerable?

Colonel **Buckley**. I will certainly not try to go back to my cadet days, sir. That is too far back, a point beyond adequate recall. But as the head of the department, teaching several core courses and other elective courses, I am concerned, of course, about the academic situation. We take what we think are reasonable precautions. At the same time, we take them with full confidence the cadets will not cheat.

I have, in my last 7 years as head of this office, had a few cases reported to me—I mean, two or three—cases that instructors brought to me and said, I am not certain what is happening, but here are the circumstances. If I recall, and I cannot be terribly specific, one of them developed into an honor case. The other, after checking, did not.

I think there is, in my own view, relative little classroom cheating. That is a broad generality, but we are not turning our backs to the possibility of cheating. We team grade many papers and use other reasonable checks to insure that what we are getting is a cadet's own response.

We do not force a young man into a dilemma if we can possibly avoid it. At the same time, we do not want to totally take away his choices. We try to tread a thin line between trust and at the same time, not creating a situation that will put undue pressure.

My own experience in this department is reasonably good. Colonel Mead is also head of a department.

Senator **Bartlett**. Anyone else?

Colonel **Mead**. Sir, my department is quite large—at any given time, we will be teaching 2,000 cadets or about half of the corps—and we do a lot of case studies, monographs, research papers—we average about two, three plagiarism cases a year.

These are cases that we identify that we feel warrant being submitted to the cadet honor committee for investigation. From that standpoint, the incidence is low.

In regard to the issue to which the Superintendent responded the other day, we have safeguards. To amplify Colonel Buckley's point, we try to take the prudent precautions to eliminate as much temptation and confusion and misunderstanding as we can.

For instance, in the core courses, the large courses, when we teach 800 cadets the same subject, when we request papers, we provide a wide variety of topics, as many as 150 separate subjects to be drawn upon. That limits the opportunity for cheating.

We have instructors grade all of the papers on the same subjects. It is quite a chore to grade 38 or 39 papers on a wheat famine in India, but that gives us kind of an internal check, and it is good pedagogy, from the standpoint of having an expert on that subject grade the papers, so we get kind of a double thing that way.

To give you a final figure, considering last year's cases before the honor committee, I believe, 10 percent were cheating. I think John Grech can confirm that.

Senator **Bartlett**. Would you consider that tolerable or not?

Colonel **Mead**. Well, those are cases, sir, and—John?

Lieutenant **Grech**. Sir, as vice chairman of the honor committee, I was aware of all reported cases, and last year, while I was vice chairman—and this is excluding the present electrical engineering case—we received somewhere between 200 and 225 reports.

If you break it down further than that, you see that, at the very most—and I do not have the figures here with me—10 percent, or 20 of those cases might have been cheating violations. I can tell you the ones that were reported, sir. Past that, the convictions of the Cadet Honor Committee on cheating, I believe, sir, of those 20, only four or five; and again, I do not have the figures before me—except that I could say that, at most, out of the cases that were reported, a very small percentage, 10 percent, were cheating, so that it was by far not the most common case to come before us.

Colonel **Mead**. Sir, May I add one other point. In our survey data, we tried to carefully get at this question of what kind of violations were occurring if, in fact, cadets knew of them. Cheating ranked very, very low in the response, academic cheating came in well below toleration, well below other things that they indicated, such as lying, and so forth.

Senator **Nunn**. You are saying that the nontoleration clause was violated a whole lot more than cheating?

Colonel **Mead**. Yes, sir.

Captain WILHITE. Sir, may I add one comment? I have taught mathematics in the classroom for the last 2 years. I have taught the class of 1978 for all of those 2 years, and in mathematics, they are under a great deal of pressure, going to those blackboards, every day, with many problems, and 15 people around the room.

The year before last, the class of 1978 were freshmen. No suspected honor violations were reported by mathematics instructors, which I think might be a little bit in contrast from 1977. I personally have never, in 2 years, observed any suspected honor violations in the classroom.

Senator BARTLETT. My time is up, but it just seems to me that violations of nontoleration indicate a certain level of cheating, though you are not talking about cheating itself; and in these alleged numbers of cheating, the numbers are staggering. It seems that disclosure came about with one cadet turning himself in, and then the other disclosures that followed came later from the defense counsel for certain cadets pushing it very hard.

So, it seems to me that it is possible that there has been a complete breakdown of the system, at least to a very significant extent.

Major REILLY. As a tactical officer, I work very closely with the cadets, and not in an academic environment, although I do teach map reading in that area. I have found from reports I receive from cadets, from working very closely with them and talking with them that the incidents of cheating or lying, sir, are very, very small, if at all.

I have known of only one man, in my 3 years, that I had personal knowledge that he lied, and that instance, I reported him to the honor committee, but that is out of a total of about 450 cadets.

Senator NUNN. Senator Culver.

Senator CULVER. Thank you, Mr. Chairman.

Gentlemen, in your field of experience that you now have all had, have you noticed any significant differences between Academy and non-Academy officers, in terms of honor?

Senator NUNN. Do you want some of the ex-cadets to answer that?

Senator CULVER. I think I would like to have a general response from anyone who has had field experience.

Colonel BUCKLEY. Sir, in covering all of my years of service, and particularly my earlier years, when I think the differences in the sorts of commissions were greater than they perhaps are right now, I can say I think I did see a difference during the Korean War. We paid for that difference in a considerable number of casualties in the earlier classes. I do not know that it can be attributed entirely to honor. I think it was a sense of duty, a sense of commitment, perhaps. Perhaps the feeling of responsibility was greater.

Senator CULVER. What I am really getting at here is clear. You know that we pay about $100,000 for each graduate of the Academy, about $15,000 or $20,000, roughly, for an ROTC or an OC graduate. Most basic schools, where you spend virtually 9 months or a year training, do have an honor system. It is assumed that an officer is a gentleman and honor is fundamental to responsible military service and leadership capacity, and cheating should be a serious violation involving court-martial, and so on.

What I am really getting at here is in no way an attack on the lustrous tradition of the Academy. I mean that most sincerely. It is a truly outstanding one. You do derive, undoubtedly, highly professionalized training and background that enables you to be in a professional sense an exceptional officer, if you have it in you to be one.

But I am talking about this component of honor and integrity and honesty, the extent to which that is uniquely enhanced by the honor code experience at West Point or not, because I think it is fundamental to the inquiry here.

Colonel BUCKLEY. Yes, sir. I agree that that is a fundamental issue. I think you stated it very well. And we are equally concerned. I personally feel that personal honor is enhanced by 4 years of living under the code.

I think one other aspect needs to be brought out, sir. In a sense, just as the medical schools, and the legal schools, develop a system for the perpetuation of the ethics of those professions, the Military Academy helps in the perpetuation of an ethic of honorableness for our profession.

Senator CULVER. I wonder if other officers—we have these awful time restraints, and I have a lot of questions I would like to pose—but I wonder if any of the other officers would be good enough to express themselves. I think it is an important point. I realize how difficult it is to make these categorical generalizations, but I am interested in whether or not the principles of the honor code are pervasive and adhered to in the Army as a whole.

Major REILLY. Sir, I would like to respond from my experience. I find that the West Point officer is more conscious of honor, per se. He will think many things through and consider what he is doing when an order is given. For example, when asked to sign a statement, for equipment or an event he has not personally seen. I think a West Point officer many times will hesitate to sign any statement, in fact, will not sign a statement unless he goes and checks it.

Many of the young officers that come out from different colleges at times will sign a statement without going back and doing some checking—I have found this all through my career, that this has been the case. Eventually the officers that I have worked with have reached the level where they can go back and check.

Whether the duty concept has been enhanced, or the honor concept has been enhanced I could not say; but I find initially the West Point officer is more conscious of that.

Colonel MEAD. Sir, may I ask——

Senator CULVER. I am a little troubled with this third year slump business. Understandably, during the plebe year everybody is nervous as a goose and on their best behavior, and scared to death of boot camp. It is not hard to reach a high degree of sensitivity and consciousness about adherence to rules and regulations when you have terror right in the forefront of your being.

Now if it is that environment that you must have to have a high degree of compliance, what can you expect on the outside in terms of a general relaxation, once that infrastructure is altered and changed. You can't help but suggest that, although the third year is different, and is like a sophomore slump in law school that would bore you to death; and the last year or the first year would scare you to death, and all that, and therefore, we can have any toleration for a massive pervasive cheating.

As an *explanation*: I can hardly strengthen my own personal assurance that that group, when it is on the outside, is not going to revert to form, whatever form that is, and once again, we are back to whether they had it in the home, and whether they got it in their early formative childhood environment, of right or wrong—in terms of basic things.

I think a lot of us are guilty of signing leases and not reading the boilerplate. That to me does not really go to the heart of the kind of gut problem we have been experiencing in the field. That is what I think is meaningful, and I think that is what is important.

I have an old-fashioned notion that when you arrive at West Point you either have that or you do not. To be honest with you, we put a pretty high gloss on it and I think if you do not have it then, you are not necessarily going to get it by going through some ritual for 4 years getting an artificial stimulus, because that high is going to leave you too.

So, I am interested in this third year business, and so on.

Colonel MEAD. Sir, may I just add something to your comment. I think all of us would agree that to a great extent character formation does occur before the individual arrives at West Point, and as you all know, part of our admissions system is designed to try as best we can to plumb the character of individuals before they arrive.

But I think we see our mission as reinforcing those aspects of character that the individual brings to West Point and giving it an environment in which it can flourish.

Senator CULVER. In your association with cadets from other academies and in your work in connection with the Buckley study report and the review of these specific honor systems, did you reach any conclusions as to whether honor works better elsewhere or at West Point?

Lieutenant REID. Sir, I was on that subcommittee. I went to the Air Force Academy and the Naval Academy. We found that each Academy developed a system they felt best served their particular needs, and no one was willing to say that our system is best, or that you should adopt our particular system, especially at Navy. They do not have a nontoleration clause as we do, and there was a great deal of heated discussion concerning whether there should or should not be a nontoleration clause between representatives from West Point and the Naval Academy.

Senator CULVER. But they do give a degree of flexibility in terms of reporting on conditions——

Lieutenant REID. Yes, sir.

Senator CULVER [continuing]. And there are options available to someone who observed the incident?

Lieutenant REID. Yes, sir, they do, although we did not reach a conclusion. We did not take it upon ourselves to say that the Naval Academy system was less productive than ours, and they did not say that about the West Point system.

Senator CULVER. Did you review any systematic monitoring of an empirical nature relating incidents with subsequent careers? I realize this is a very difficult thing to do, but is it a useful exercise. How do you get any kind of data that gives you any guidelines, by way of reform and improvement of your system, unless you know with some degree of confidence how it works in the field?

Colonel **Buckley**. Sir, the straightforward answer would be, no, we do not have any really effective data coming in of the nature that you mention. I hope that we will develop more in the future.

Obviously, we currently need to know more about the results of our work.

Senator **Culver**. Finally, did you make any recommendations regarding the development or preservation of a set of precedents to guide the honor committee actions?

I am concerned, for example, that when you are essentially talking about what criminal violations are, in terms of notice, the clarity of the offense, and the definitions of cheating, on the one hand, how adequate and precise is the appreciation of the potentially accused, of what constitutes wrongdoing, particularly when the sanction is as severe and onerous as expulsion is in terms of life and the wreckage that it will signal?

On the other hand, what degree of refinement do we have by way of precedents in terms of the Cadet Honor Board, to guide them by way of consistency and justice in the administration of particular offenses and the application of the appropriate sanction. I mean, is everything done on an ad hoc basis, with no judicial history that can be called upon for direction to make sure there is integrity to the administration of justice?

Colonel **Buckley**. Again, sir, we saw part of what you said as a very definite problem, and we recommended that the honor committee undertake immediately a development of a set of procedures to guide them, just as you described it.

They did that, sir, and we have presently a book—I have it here in my case—a book of procedures that we hope they will continue to upgrade and improve. In its present form, it gives them a continuity that they badly need and has provided the basis for guiding the honor committee through these difficulties.

Senator **Culver**. There is no precedent now? Lieutenant Reid, you did not have available to you a book of precedents?

Lieutenant **Reid**. Sir, if you are referring to specific cases that would be similar in nature to the case we were doing at that time, no. sir, we did not.

Senator **Culver**. Well, did you recommend that kind of thing? Would it have been helpful to you to have something like that to refer to and give guidance and so forth in individual cases?

Lieutenant **Reid**. Well, sir, it may have been helpful in the instruction of honor committee members, as far as their analysis of background information, and that type of thing, but I hesitate to establish precedents in cases, because they do involve so many situational changes, and factual changes, and I am not so sure precedent would be absolutely necessary.

The code itself is based on——

Senator **Culver**. Well, that is true in every case. It is unique; every case in criminal justice is unique. But that certainly does not go to the argument that this would not be appropriate in terms of the fairness and equity in the administration of justice. On the contrary, I think it is essential.

Captain **Wilhite**. Sir, may I address that question.

I was chairman of the 1968 honor committee. I reviewed some of the same things that Lieutenant Reid did and no book or set of procedure was passed to me.

I think you ought to keep in mind that the main, the ultimate criterion for guilt or innocence of an honor violation is the individual's intent. Did he intend to commit the act? That is the thing that the honor committee focuses on, and that is probably the primary reason the individual cases were not recorded and passed around.

I was also chairman of the procedures committee, and based on my experience as honor chairman, I gave particular attention to enhancing the due process of the individual before the committee, and recommended things such as assigning a cadet from the honor committee who would assist the respondent through the proceeding.

Senator CULVER. Well, I think it is a very important area. I hope you focus on it for any subsequent recommendations that you have.

Thank you, Mr. Chairman.

Senator NUNN. One additional observation or point. It seems to me that the precedent would be more valuable for those reviewing the cases on an appellate level than they would be for the honor committee itself, equating the honor committee with a jury or grand jury. Neither one of those bodies really has any time or opportunity to study precedent before deliberating and reaching a verdict, whereas as you go up the appellate level you are dealing with whether due process was accorded, whether the rights were accorded. It seems to me that precedent would be valuable, some form of precedent, some form of ruling, and then that in turn would filter its way back down to the honor committee, in terms that are very similar to case law in the criminal system.

Senator CULVER. Mr. Chairman, if the judge has any prospect of not being overruled, he had better adhere pretty closely to precedents, too.

Senator NUNN. There is a distinction between the judge and an attorney. One is to determine fact, and the other is to determine law, and precedent is not very much help in a factual situation, in those deliberations, where a precedent is a great deal of help in determining the law in due process and procedures.

Now, that is just my observation. I think it is a very important point.

You know, we are going to have to adjourn this morning. We have another Armed Services Committee hearing going on, and a combination of all of us are going to have to be there.

We have other questions. I have a good many myself, and I am sure Senator Bartlett and Senator Culver do, too. I am going to ask you, Colonel Buckley—and I will not ask you to give me an answer now—but could you hold over until tomorrow as many people as are not inconvenienced unduly. I know some of you are on TDY, and some of you have other assignments. If any of you would have a severe inconvenience, we will excuse you, but if you can retain as many as possible, it would be a great help to our subcommittee.

I think we would have about another 1½ hours, or perhaps 2 hours of questioning. We cannot do it this afternoon. We had to have special permission of the Senate to have this meeting this morning, because we are in the middle of a complicated tax bill. If we did come back this afternoon, I think we would be interrupted often with votes, and that would be *frustrating* for all of us.

If you would just ascertain who can stay and who cannot, we will accept your honor and your word as to the inconvenience. We will not question you further.

The subcommittee will adjourn—we will even waive the nontoleration clause—until tomorrow morning at 10 a.m.

[Whereupon, at 11:53 a.m., the subcommittee adjourned, to reconvene the following day at 10 a.m.]

HONOR CODES AT THE SERVICE ACADEMIES

WEDNESDAY, JUNE 30, 1976

U.S. SENATE,
SUBCOMMITTEE ON MANPOWER AND PERSONNEL
OF COMMITTEE ON ARMED SERVICES,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:33 a.m., in room 1318 Dirksen Senate Office Building, Senator Sam Nunn, chairman, presiding.

Present: Senators Nunn and Bartlett.

Also present: Francis J. Sullivan, Charles J. Conneely, John A. Goldsmith and Kenneth Fish, professional staff members; Mary G. Ketner, clerical assistant; and Jeffrey Record, assistant to Senator Nunn.

Senator NUNN. Colonel Buckley, Colonel Mead, others that were on the Buckley committee, I am happy to have you and the other members here today. Your testimony yesterday provided us with a lot of information and insight into the West Point honor system; and we look forward to exploring further these issues we touched upon yesterday.

I am sorry I was late this morning. We were voting on the floor, which detained me, but I want to pick up where we left off yesterday, particularly relating to the class of 1977.

Senator Barry Goldwater has submitted a prepared statement to be inserted at this point in the record.

Without objection, so approved.

[The statement follows:]

PREPARED STATEMENT OF SENATOR BARRY GOLDWATER

Mr. Chairman, It had been my hope to appear personally before you to express some views I have concerning the problem of cheating in our service academies. However, recent surgery has made that impossible so I am submitting a statement for the record which I trust will show my deep concern over this situation.

Those of us who have been interested in and close to the military establishment and the service academies because of our service on the Senate Armed Service Committee have spent a great many hours examining the facts in this distressing problem. I have come to the conclusion that at least a large part of the problem, and not only in our service academies but in all the country's institutions of higher education, goes to the question of preparation. It is my belief that our high schools today are not adequately training young people for the demands they encounter when they enter our service academies, colleges and universities. Indeed, I doubt if a high school diploma today equips its possesser with the kind of preparation needed for any college in the country. And when you stop to consider that the academic requirements in our service academies are more demanding and stringent than in most colleges, you begin to understand the problems faced by our young men, and now our young women, in the service academies.

Mr. Chairman, this problem of high school preparation and its obvious deficiencies has led me to look for reasons why such a wide gap exists between the requirements for high school *graduation and the requirements* for adequate performance in our institutions of higher learning. And I find since the advent of federal aid to education the quality of high school education has deteriorated very rapidly. And this of course presents a formidable problem for many of us when they get to the service academies. The trouble is that poor education in our high schools brought on by federal controls has not been accompanied by any lowering of standards in our military academies. The courses and discipline at West Point and Annapolis and other academies and colleges are just as tough as they have always been, in some instances considerably more stringent. Consequently, a great—perhaps an almost unbearable—pressure has been put on the young people attending these academies. It is becoming increasingiy difficult for persons not well trained in high school to cut the mustard in our service academies. Yet the determination to get through the academies is great. The desire on the part of the great majority of young people in our military academies is to receive their commissions and serve their country in their particular branch of the service throughout their lives.

The combination of poor preparation in high school along with the extremely tough courses and the determination to get through has strained and broken the honor code in our service academies. I believe the honor code deserves its place in our military academies and that any study made of it and the rash of cheating which has recently been experienced, should include an inquiry concerning the lack of quality education in our high schools. If there is an ever widening gap between high school preparation and the requirements of higher education, we should know the extent of that problem and take the proper steps to correct it.

For this reason, Mr. Chairman, I was especially gratified to read in your opening statement that the subcommittee plans to explore broad issues which may bear directly or indirectly upon the educational development, moral standards and overall character of the future officers of military services.

Subsequent to the hearing, Senator Goldwater submitted the following supplemental statement for the hearing record.

[The statement follows:]

SUPPLEMENTAL STATEMENT BY SENATOR BARRY GOLDWATER

Mr. Chairman: Critics of the United States Military Academy over violations of the cadet code of honor are 180 degrees off course. The scandal they are investigating is not at the military academy; it is in America's public schools, which prepare these young men—and now some women—for the Point. The deterioration of moral and ethical standards is occurring where these cadets are getting their earlier education.

West Point deserves the Moral Medal of Honor for sticking to its ethical guns, which are so excellently capsuled in its honor code:

"A cadet will not lie, cheat, or steal, or tolerate those who do."

The Armed Services subcommittee can appropriately look into the so-called cheating scandal. But its report can only properly conclude that our military academy is carrying out its deep-seated obligation to train outstanding officers dedicated to the preservation of this nation.

Better still, the Labor and Public Welfare Committee should call hearings immediately to discover why public education is in such a horrible mess.

Apparently thousands of high schools are graduating seniors every year who cannot read well enough to fill out applications for jobs. A recent survey I saw indicated that perhaps a quarter of our fellow Americans are unable to read well enough to cope with problems they face every day. They cannot comprehend simple written instructions or questions.

And this miserable condition exists despite the billions that the federal government pours into our educational system annually. It exists despite the hordes of PhD's our colleges have turned out to use the latest schemes and theories to educate our young people better. It exists despite educational associations, PTA's, teachers' unions, academic freedom, and tenure. All of these things are touted to raise the level of education, not lower it.

One might well conclude that the kind of education our children are getting is inversely proportional to the amount of money the federal government spends on education, and the number of degrees that our teachers and administrators are required to have in order to be promoted.

The signs of deterioration are all around us. For the past year, educators have been concerned about the lowering scores on our College entrance tests—the College Boards. The organization that prepares the tests denies the questions are being made more difficult.

Much more alarming to me is the need felt in some states, including Virginia and Arizona, to require graduating seniors to pass reading and writing tests before they can receive high school diplomas. In other words, some high schools have become so bad that legislators are losing faith in the teachers and administrators who seemingly are just getting rid of large numbers of their seniors each year.

When schools were locally controlled, financed, and influenced, we had less of this cheap kind of educational advancement. Perhaps the most brilliant students were not as well prepared for Harvard, but the bulk of the kids who received diplomas could at least fill out a job application, or understand batting and pitching percentages.

A couple of weeks ago the Sunday New York Times reported that two-thirds of the children in the New York school system were reading below their grade levels. In Cincinnati, it was 74 percent below, Atlanta 73 percent below, Baltimore 70 percent, and Detroit and Cleveland 61 percent below grade level.

The three R's, which are still basic in education, have given way to such terms as "enrichment" and "quality education."

From Congressional Quarterly, we learn that the National Education Association for 1975 reported 100 murders, 12,000 armed robberies, 7,000 rapes, and 204,000 assaults against teachers and other students—all in our public school systems, which have been so "enriched" by federal money and federal educational experts.

A Senate subcommittee reported that more than one million students are suspended each year for various offenses. Vandalism in schools costs more than $600 million annually.

How in God's name, then, can we call the West Point Code of Honor anachronistic?

The military academies do not get the worst of the high school graduates; they get the best.

The class of '76 at West Point is typical. These cadets had B plus averages in high school. Almost all lettered in some sport, and more than 33 percent were team captains. They averaged 554 on the verbal scholastic aptitude test, and 624 in math. These rankings are not quite as high as those Harvard and Yale freshmen, but they were well within the reach of such fine schools as the University of Michigan and Georgia Tech. The military academies attrition rate is no worse than Ivy League schools. The West Point Class of '76 lost 36 percent of its plebes. And the pattern of West Point graduates indicates 70 percent will get advanced degrees.

College administrators say they don't know how many college students cheat. Some estimates have been as high as 40 or 50 percent. But we do know that very few are expelled for cheating.

At West Point, the faculty, and the Army, have to face these facts.

They are facing them with honor. They are continuing to insist that there is a difference between right and wrong, that there always has been, and there always will be. They are resisting the foolish urgings to lower Academy standards to those of some of our colleges and universities.

Their regard is a Congressional investigation, a critical and mindless cluck-clucking around the country.

Every American who believes in honor, duty, country—and that better be all of us—should back the United States military code of honor to the hilt.

We should insist that the current investigation is our public school system. Therein lies the great weakness of our entire educational system. Therein lies the fact that our high school graduates do not feel the competency to continue the challenge of education. Let me add that this great development dependency on others is not confined to students. When I first came to the Senate it was rare that a Senator would even have his clerk on the Floor with him when reporting a committee bill. Today even if a Senator is going to make casual remarks his staff accompanies him. In fact, the Record is filled with unanimous consents for people to be on the Floor to assist the Senator. I do not say this is wrong. I merely offer it as a further indication that we are becoming a nation of people dependent on others. Witness the hearings held before our committees where staffs of sometimes dozens accompany the witness to offer answers he should know. I have always felt that if something wasn't working right some fundamental was wrong; in this case stop attacking the military academies and the activities, let's attack the fundamental, the primary school system wherein lies the weakness.

Senator NUNN. Yesterday, we were talking about the class of 1977 and some of your findings in regard to that class. We explored a couple of them, but we didn't get through it.

B is one of your reasons for the possible difference between the class of 1977 and the others, was cited, and I quote to you "as a backlash against a number of third classmen separated for plagiarism." And C is a reaction to the circumstances surrounding the graduation and noncommissioning of the chairman of the 1974 honor committee, a man who provided them with the preponderance of their new cadet honor instruction.

Could you, Colonel Buckley, lead off and discuss those two items, and then I am going to ask the other members of the panel if they would like to address those two reasons.

Colonel BUCKLEY. I think, sir, I'd like to ask, if you don't mind, Lieutenant Reid to discuss these issues, as he is more familiar with the circumstances surrounding the situation.

Lieutenant REID. Sir, in regard to reason (G), C–8 the backlash regarding the third classmen separated for plagiarism, I believe this is one of those timing sensitive things where a number of third classmen who had submitted an English requirement were accused of plagiarism. The whole class had submitted this English requirement at the same time. I believe there were nine cases referred to the honor committee for consideration. Of those, we referred, I believe, six—and I am not quite sure of the exact number—to officers boards. The issue centered around the third class alone and there was a little bit of a question in the minds of many of the third classmen as to exactly whether it was plagiarism and why these two individuals were singled out.

It did develop a sort of backlash and it was right after this that we took the survey. So I think the frame of mind may have tainted their reaction to the survey.

Senator NUNN. Now why did they react against that, and how many people were involved? I am not sure I follow you.

Lieutenant REID. Sir, there was only a small number of third classmen actually involved. I believe the number was nine and I believe they referred six to the officers board.

Senator NUNN. Did they think that the treatment given the nine was unfair?

Lieutenant REID. Well, I think, sir, a lot of it had to do with not really understanding fully the operation of the honor committee and exactly how these individuals had become involved in plagiarism. Plagiarism is sometimes a hard issue to discuss. Many people, despite all the instructions that were given with regard to plagiarism, don't fully comprehend the implications of plagiarism.

Senator NUNN. What kind of exam was that?

Lieutenant REID. It was not an examination, sir; it was a research paper, or I believe it was a research paper that happened to be for the English department.

Senator NUNN. Were the violations of the nontoleration clause or——

Lieutenant REID. No, sir. It was considered cheating by plagiarism.

Senator NUNN. Were you on the honor committee then?

Lieutenant REID. Yes, sir. I was the chairman.

Senator NUNN. You were the chairman of the honor committee? How many were separated from West Point in connection with that?

Lieutenant REID. I am not sure, sir, I think that there were only two. There was a small number as a result of that.

Senator NUNN. Was any punishment given the other seven or were they found not guilty?

Lieutenant REID. No, sir, they were exonerated by the officers board, sir, and returned to their units.

Senator NUNN. Did your honor committee find them guilty?

Lieutenant REID. Yes, sir.

Senator NUNN. And then the officers board found them not guilty?

Lieutenant REID. Yes, sir.

Senator NUNN. What was the vote of the honor committee? It was unanimous, is that right?

Lieutenant REID. Yes, sir.

Senator NUNN. But the vote of the officers board is strictly a majority, is that right?

Lieutenant REID. Yes, sir.

Senator NUNN. Were there any dissents on the officers board from that verdict?

Lieutenant REID. I am not sure, sir. I really don't know what the votes were at that time.

Senator NUNN. But the honor committee found all nine of them guilty?

Lieutenant REID. No, sir. I believe the number was six.

Senator NUNN. Oh, the number was six. Well, I am trying to get to the source of the disillusionment. Are you saying that the general class of cadets did not think the honor code had been fairly applied, is that it?

Lieutenant REID. I am not sure, sir. This could not be considered a large scale violation of honor, because the numbers are fairly small—just six. But it hit that one class and it hit all at once so that it came to the attention of the whole corps. I mean, any time some incident happens, as has happened in the past, it does get a little bit of notoriety and people start paying more attention. And as third classmen, they may have felt picked on, even though they may not have been personally involved at all.

The discussion was about their class and the comments in the company were being referred to their class and they may have felt a little bit affronted by some of the things that may have been said. And from talking to those third classmen at the time, many of them had no concept of the case or how much was involved, but they simply did not have a favorable view of third classmen being in front of the honor committee.

Senator NUNN. That was one of the third classmen?

Lieutenant REID. Yes, sir.

Senator NUNN. So that would really have been in the calendar year of 1975?

Lieutenant REID. Yes, sir.

Senator NUNN. It was last year?

Lieutenant REID. Well actually, sir, it was in 1974. Actually 1974.

Senator NUNN. They would have been third classmen then or fourth classmen?

Lieutenant REID. Yes, sir, third classmen.

Senator NUNN. I hate to leave, but I am going to have to go vote and will come right back. We won't hold you up and I assure you we will be through by 12 noon today. If any of you need to leave by plane, you'll get to your plane.

[Brief recess.]

Senator BARTLETT. The hearing will come to order.

These questions could be answered by Colonel Buckley, you or anyone you direct them to.

Would you explain the procedure followed if a cadet faces dismissal for an honor violation—just what the procedure is? I am referring particularly to the service requirement of 2 years enlisted service.

Colonel BUCKLEY. Sir, none of us here are particularly expert in that area, but I think we can put together an answer.

The 2-year service requirement applies to cadets who have completed the initial 2 years at the Academy. It then is the agreement between the service academies, as I understand it, sir, that a cadet who departs the Academy after that initial 2 years may be called to active duty for 2 years or more. The judgment is made on recommendation of the Superintendent, I understand, by the Department of the Army, I believe, as to whether to call a specific individual to active duty.

In the case of those cadets who have been separated for honor violations, they are very frequently called to serve as enlisted men in the Army and their term of service may be 2 years or even 3 years.

Senator BARTLETT. I have here the legislation. As I understand it, there is different legislation for the three services. The regulation is the same for all three services—for all three academies. The legislation says that a cadet "who has not fulfilled his service obligation, may be required by the Secretary of the Army to serve in the appropriate enlisted branch, and under section 65(1) of this title may be ordered to active duty to serve in that branch for such period of time as the Secretary describes, but not more than 4 years."

As you indicated, this normally applies to the 2 upper years—the junior and senior years and for not to exceed 2 years, I believe, normally.

Colonel BUCKLEY. [Nods in the affirmative.]

Senator BARTLETT. It is my understanding, further, that if a person in his first 2 years should decide that he just doesn't fit in or doesn't like the Academy, he can resign without service. Is that your understanding, Colonel Buckley?

Colonel BUCKLEY. Yes, sir, that is my understanding. Up to the beginning of academies in the junior year, cadets may resign without any service obligation.

Senator BARTLETT. If a cadet leaves because he resigns, because he has an honor violation, or some other reason, he is required, generally, to serve 2 years in military service?

Colonel BUCKLEY. In the first 2 years? My understanding is no, sir. Not up until he has completed 2 years.

After 2 years, the decision is made of course by the Secretary, but it is my understanding that the majority—up to this point, at least—have served at least 2 years of active duty if they have completed 2 year's of service at the Academy, when they were separated for an honor violation. I am not really in a position, sir, to be terribly conversant with the facts in this instance, but I think that is correct.

Senator BARTLETT. Yes, I think you are correct too.

Do you see, any of you, any inconsistency in the regulation? Not the law— I believe the law gives the flexibility to the Secretary of the Army, but the regulations are the same for all three, so I assume the Defense Department is in on it.

Do you see any inconsistency or any problem with the present practice? The regulation actually says that at the commencement of the second class academic year, if a second or first classmen is separated prior to completing the first course of instruction, except for physical disqualifications, unfitness or unsuitability, he could be required to spend the 2 years. But, the separation for honor violation is not considered a matter of unfitness or unsuitability. Do you think it should be?

Colonel BUCKLEY. Sir, there has been a good deal of discussion and pertinent comment on this subject. I think with the advent of the Volunteer Army, the issue is raised as to whether or not there should be retained involuntarily people who have been separated for an offense such as honor. I think there at least is a judgmental case here, in that the demand placed on cadets may be somewhat higher—are somewhat higher—than we place on soldiers; and so there are probably cases that would warrant the repayment of service, which I understand was the intent of the requirement; but there are other situations, in the case of the voluntary Army, that should not be required to serve.

Senator BARTLETT. I was just wondering whether it might be considered demeaning for a cadet officer candidate to be dismissed from officer training in a 4-year course at West Point and considered to be qualified and suitable and fit for the enlisted service.

Do any of you others have any comments? Colonel Mead, do you have any comment?

Colonel MEAD. Sir, I was going to make the same point that Colonel Buckley did. I think it is an anomaly that we do. I believe the only two areas of conscription essentially in the Active Army today are cadets who are found guilty of an honor violation and also reservists who do not fulfill their requirements and are brought on active duty. And this has concerned us.

As Colonel Buckley points out, there is a certain very high standard which is imposed on cadets in this regard, and I would be reluctant to say that possibly having these people in the Active Army would be demeaning. But surely there is an inconsistency here that one should address, and it concerns all of us.

And I think this is another reason, sir, that led to the increase in the number of Officer Board selection by cadets who have been found to have violated the honor code by the Cadet Honor Committee; during the junior and senior years, they will exhaust every appropriate remedy rather than face the 2 years of active duty and interruption in their schooling, and so forth, subsequent to leaving the Academy.

Senator BARTLETT. I was going to get to that. I understand right now that there are a number of cadets who would like to resign and not face the 2 years. What are your thoughts in that area?

I realize I am asking the question a different way now, but would it be important, good or bad, to facilitate the process of resignation? Or do you think the present law for this purpose should continue?

Colonel MEAD. Sir, none of us are directly involved in the current situation at West Point. We are not aware of the numbers or, in most cases, the feelings or views of the respondents involved, but my personal feeling is that there would be a number who would resign and who would like to move on to other universities, schools, and so forth, and complete their education.

There is another aspect of this which I might bring out—it is not readily apparent—for a few years the academic board has not granted academic credit for the semester in which an honor violation occurred. That policy has now been changed, and a cadet who completes any prescribed course of instruction successfully will receive full credit for that if he leaves on an honor violation if the honor violation did not occur as cheating in that particular course.

So in the case of these particular cadets and this particular case, if they were separated but had completed the other courses of instruction, they would receive all credit for academic courses in this past semester except electrical engineering 304, if they are found to have violated the honor code in that course.

Senator BARTLETT. This is a new regulation?

Colonel MEAD. Yes, sir, that is an academic board decision.

Senator BARTLETT. Was that a recommendation made by the Buckley committee?

Colonel MEAD. Not necessarily, sir. I think it grew out of a concern about the incident—a number of the officer boards—and our concern with the general system, as it were.

Senator BARTLETT. As I understand it, an honor violation is not a matter of record; is that correct?

Was it ever a matter of record in dismissal?

Colonel BUCKLEY. I understand the same as you do, sir.

That it does not go beyond the Academy. But I can't be specific.

Senator BARTLETT. It is not a matter of public record, is it?

Colonel BUCKLEY. No, sir. If I could just add two points to what Colonel Mead said. I think it would be important to consider, before a decision were made about the active duty business, that we already have people who were cadets and were separated for honor on active duty now, so that we have to consider their situation; and I think also we would have to consider the implications of any sort of adjustment of our system to meet the current needs and what that might say about the system.

I would be a little concerned if we were, at this point in the process, to offer something less than the normal expectations to those people who might be found guilty in this situation. I think that would have to be done.

Senator BARTLETT. You mean that it is a deterrent to cheat and to have to face the 2 years; is that what you mean?

Colonel BUCKLEY. I am sure that is in some people's minds, it is a deterrent.

Senator Bartlett. Would [illegible] be a deterrent to cheating to have an honor violation a matter of public record?

Colonel Mead. Sir, I have not thought through that one, and I would not want to give an off-the-cuff answer.

Senator Bartlett. Do the others have any answer to that?

Lieutenant Abcouwer. Sir, I don't believe that to make the case public would be a direct deterrent to a person who is about to commit an honor violation. I don't believe the cadets go through that type of thought process if they do come across a situation where they are going to commit an honor violation—lie or cheat.

Senator Bartlett. Do you feel that most cadets who have cheated in this recent cheating are not trying to cover up—and I don't know what that number is—but the great majority would admit the cheating say to a Congressman, if we are asking, or an officer, if you are asking, if there wasn't going to be any further results; in other words, where he wouldn't be further implicating himself or anybody?

Lieutenant Abcouwer. I believe some would, sir.

Senator Bartlett. Do you think most would? You see, I was just trying to follow up on the way you answered the question. You see you are answering on the basis that you thought most of the cadets even though they cheated, were sorry for having ever cheated but might not then disclose the fact. I am not sure. I am just trying to clarify.

Lieutenant Abcouwer. Well, sir, what I meant was that if the situation arises and a cadet is debating whether or not he, in a certain situation, is going to cheat on an exam, I think that the possibility of him being expelled from school, after doing so much work and training at that school—the possibility that he would be expelled before graduation—is enough of a deterrent.

Senator Bartlett. Do you think, then, that the 2-year service is any deterrent?

Lieutenant Abcouwer. I think that it is a deterrent, sir, but I don't think that he goes through the thought process of considering it.

Senator Bartlett. Why would the deterrent of the 2-year service be more of a deterrent than a public disclosure of his being expelled, if he were expelled? That would be a pretty strong punishment. Wouldn't it?

Lieutenant Abcouwer. Yes, sir, it would. But it is my belief that being expelled from the Academy is such strong medicine that there really need not be any further sanction added to it.

Senator Bartlett. Do most people at home know in most cases of honor violations that a cadet resigned under pressure of an honor violation?

Lieutenant Abcouwer. I would say, yes, sir. The word, in most cases, would get home. Not officially, but from sources at the Academy.

Senator Bartlett. You mean other cadets at the Academy.

Lieutenant Abcouwer. Sir, if I may add something to that. Parents who send a young son or daughter to West Point have great expectations. Of course the family gets involved, in many cases, especially in the smaller towns across the country, and if it were made public record, I think that it would bring disgrace to a great number of people who are not directly involved in it. And I think it would be unfair to the parents and to the community if we did make it public record.

That has been the rationale behind keeping it confidential within the Academy itself, and not making it a part of the record. I don't think it would be fair to the parents or the community if we did make it a public record.

Senator BARTLETT. One final question in this round.

I think it was mentioned by Senator Culver the large investment that the taxpayers do make in the cadets—particularly those in the junior and senior year. And there have been discussions before congressional committees, especially concern about the attrition rate. I know that is of concern to those at the Academy.

Would, in your opinion, the attrition rate be beneficially affected or lowered by changing the requirement on enlisted service where it is not involved in an honor violation, but would leave the Academy under normal circumstances where health is concerned, and so on, and lower that requirement down to after the first year? Would that be an incentive to reduce the attrition?

Colonel BUCKLEY. Sir, we've examined that problem quite a few times and I have sat on committees and in discussion groups going over that issue. I can't say that there is any consensus among us for that sort of prediction. I think that there would certainly be some impact in bringing the service obligation more toward the initial part of the cadet service.

However, the only empirical evidence I have read is that right at this time just prior to the time that the service obligation goes into effect, we have a little blip on our resignation chart that usually goes up, and that blip has been coming down in the last several years. In the past, it was a little higher than it is right now.

But even at its highest, it was never a remarkable number. So I think it would affect perhaps a dozen people who would have their decisions influenced by that sort of thing, but not a terribly significant number, sir. That is about as good an answer as I think I can give you. Subjectively, I think it would have an impact, but empirically it apparently doesn't really involve a very large number of cadets.

Senator BARTLETT. This is the end of my time as chairman.

I would like to ask one more question.

How long would you say it takes, for a cadet to really know what he is in for at the Academy? By "in for" I mean he certainly has a more controlled environment than he would have in most colleges. He is in a career which I believe is more demanding than many other careers are.

So how long does it take before he would know whether, you know, have some idea of whether the Academy is for him or he is for the Acaedmy or he is for the Army?

Colonel BUCKLEY. We have spent a good deal of time, in my office particularly, in attempting to determine this amount of time. There have been pages written on trying to get the image across to candidates that would insure their congruence with the system, that would allow them to get a realistic view of the system—we have prepared booklets and taken other steps.

Apparently a young man who is a candidate attempts, to some degree, to block out hard information before he comes in. He is in a euphoric state of being accepted, and he doesn't even want to hear anything that jars his views. So there probably is a limit on how much you can get to him before he enters. The question of what he or she is "in for" might be better answered by someone who has done it more recently than I have.

Lieutenant Abcouwer. I would like to add to that, sir, for every man it is, of course, probably a different time that he comes to the decision, but if I may make a guess as to the most likely place in 4 years, I would guess that it is somewhere between the sophomore and junior year.

Looking at the summer programs of training at West Point, your first summer is cadet basic training. Your second summer is field training where you gain experience in all the branches of the Army. Your third summer——

Senator Bartlett. So your first summer is before your freshman year, right?

Lieutenant Abcouwer. Yes, sir.

Senator Bartlett. And your second summer would be in between the freshman and sophomore year?

Lieutenant Abcouwer. Yes, sir. That third summer—at the end of which you are trying to make this decision—most cadets go on cadet troop leadership training programs, which puts them out into a regular Army unit for 1 or 2 months. In my experience, and in the experience of many other cadets and officers that I have talked to, that was one of the most valuable programs at the Academy. You gain a good insight into how the Army runs and what you are in for—not only at the Academy but for the years following.

Therefore, it is my guess that at that point, before the junior year is the time.

Lieutenant Grech. Sir, if I might add to that, I think I might add that in response to your question—at what point does a cadet know what he is in for—I think that after the first month or two of that first summer that he is well aware of what he can get into militarily, disciplinarily, at the Academy, and I would say that after another month or two in the academic environment, he is aware of what he is into academically at the Academy; but I think it takes him that time, until he gets to that third summer, and he is adjusted to the experience of actually being out in a troop unit that he understands really well what he is in for in the Army in his first 5 years and possibly in his career.

Senator Bartlett. Thank you very much. Thank you, Mr. Chairman.

Senator Nunn. I want to ask the four members of the panel here that were cadets when the Buckley study was going on to answer a few questions, and let me start down at the right side for the first question—Lieutenant Grech, and go from there.

Congressman Downey has alleged that cheating is widespread and probably that frequently—Congressman Downey being from New York State, testified before our committee—he had a couple of days he spent at West Point talking to cadets. Much of the conversation was off the record. He also had his staff members spend some time there, and he testified that the cheating is widespread and is, in his opinion, tolerated rather frequently. We touched on this briefly yesterday, but I want to ask each of you what you think about that allegation—or whether you do believe that cheating at West Point, both today and when you were there—you can separate the two if you want to—is widespread, and if so why or why not?

Lieutenant Grech?

Lieutenant GRECH. Sir, with regard to the first point that Congressman Downey made that toleration is widespread—in other words, if he uncovered a hundred or whatever the number is of possible violations at this point—there is another group that tolerated these honor violations.

I think one point to make that if, in fact, he has talked to some of these cadets who were involved and if they are talking about toleration, they may be talking about each other, and I think he may be counting some numbers twice or some individuals twice, so that his figures may be double because——

Senator NUNN. You are saying that the cheaters and tolerators are sometimes the same people?

Lieutenant GRECH. In other words, sir, if two people got together to cheat on an examination, both are tolerating each other. If he interviews one and asks him if he knows of toleration, he says yes, and he interviews the second individual and he says yes; or he said no, he is talking to four individuals—but actually only two. That is one point on Congressman Downey's numbers.

Secondly, sir—and I think it is much more important—in the 4 years that I lived at the Academy, certainly as a fourth classman and a third classman, when I was not on the Honor Committee, there was no stigma attached to talking to me concerning the Honor Committee or honor matters. They would not have been afraid to talk to me, I don't think, on that subject; and I have never heard discussions or the type of comments that Congressman Downey says he got.

So the thing that I have to say is simply that living for 4 years at the Academy, day and night, and experiencing all the conversations and all the cadets' attitudes, I just cannot agree at all that the cheating is much more widespread.

But actually, there is a certain problem in that I may have missed a small portion of the members of the Academy, but I just cannot believe that after living there for 4 years that I missed that much.

Senator NUNN. Thank you, Lieutenant.

Lieutenant Abcouwer?

Lieutenant ABCOUWER. Sir, when you attend the Academy for 4 years you come in contact with a total of seven classes, three that are ahead of you when you enter and three that are behind you when you graduate. I can speak very strongly for the class of 1975 because I had a lot of direct contact with them, and somewhat less strongly for the other six classes of 1972 through 1978. I do not believe that cheating is widespread at the Academy. I say that not so much because I did not see it while I was there, but I say that because of the preponderance of people that I knew, men that I knew, that would not tolerate it if they did see it.

Senator NUNN. Thank you very much, Lieutenant.

Lieutenant Reid?

Lieutenant REID. Well sir, I agree with Lieutenant Abcouwer's last statement—it has been my experience that the vast majority of cadets, from the time that they enter West Point until the time they leave, take hold of the honor code and really believe in it and really follow it. That has been my experience as a cadet—within my particular company there was strong sentiment for the code. It has been my experience and that of the people I have come in contact with that the code is accepted as a model of cadet behavior.

So from that aspect alone, I believe there is not widespread cheating at West Point.

Senator NUNN. Thank you.

Lieutenant Keene?

Lieutenant KEENE. Sir, I was one of the cadets that met with Congressman Downey when he came to West Point. And again, we were just one of the groups that he apparently met. But at the time we met with him, we told him that as honor representatives we felt that cheating was not widespread and toleration was not a frequent occurrence. And we based this upon our experience as representing companies on that level. The individual cadets trusted us and came to us; we advised them often; they would often come to us to report what they thought were possible honor violations or ask questions with reference to the code and academics, could they do certain things and the implications of different reports. So they were concerned as well.

I think that between this mutual trust between the honor committee and the cadets, particularly down on the company level and on the fact that we talked to each other about nontoleration—we talked about the fact that it did teach one to place loyalty and integrity above future friendship—we felt, sir, that cheating and toleration was not widespread.

Senator NUNN. Let me ask you the reverse now. Start down with Lieutenant Keene and follow up on this point. The thing that seemed to me that would be disturbing is that in an outstanding occurrence such as the current problem that they are having in this particular test—there has not been a single person who turned in another person.

Also I understand from your survey—the Buckley survey—that almost 50 percent of the cadets were very lukewarm, if not opposed, to the nontoleration provision. Now, when you combine that with the lack of people turning each other in, it seems to me you could hypothesize that the nontoleration provision is not adherred to.

Would you comment on that. I'd be glad to start down here.

Lieutenant GRECH. Sir, what I was going to say, was that again going back to the previous point. If a group of people cheated consciously—in other words, that two people got together to work on a problem as opposed to a situation in which somebody discovered another person had copied his paper—I think it very unlikely that one of those two people is going to report the other one. If that individual is going to violate the honor code by cheating—I don't think he would have any qualms about violating it again by toleration. And in most incidences that we have seen on the honor committee, the evidence seems to point that either individuals got together to collaborate or one individual received the answers off another individual's papers covertly and did not—there was no way that the second individual knew that his answers had been taken, so there was very little chance for someone to report the toleration violation.

Senator NUNN. Lieutenant Keene?

Lieutenant KEENE. Sir, part of the problem is that the nontoleration clause and the discretionary sanction are very intertwined. One of the things is the nontoleration clause kind of scares the cadets a little bit because of the fact that they realize there is only that one sanction—that is, separation.

Senator Nunn. That's been my theory from the very beginning. Only one sanction, it seems to me, would have an erosive effect on the nontoleration.

Lieutenant Keene. Well, sir, the nontoleration clause plays a very fundamental, a very important role within the Corps of Cadets and in the honor system. And one of the important things is that it allows cadets to police themselves, and it allows the cadets to enforce their own system. And among other things, we feel that it is the nontoleration clause that makes the system work.

In view of the current discussion about discretion and the possibility of other sanctions at the same time that these Electrical Engineering cases came up, cadets weren't really sure which way we were going to go. It was very difficult to turn in your friend—in many cases a cadet didn't even know that it was a friend who had taken his paper—I'd say cadets reduced what had taken place but many people didn't even know.

I think the code comes out on the top and the system comes out on the top—even though cadets are concerned with their friends.

Senator Nunn. Thank you very much.

Lieutenant Reid?

Lieutenant Reid. Well, sir, going back to my year as chairman, about 75 percent of the cases that were initiated and brought to the attention of the honor committee were cadet-reported cases.

Senator Nunn. About 75 percent were?

Lieutenant Reid. Yes, sir, and many of these—or I would say most of these—were resolved by the honor representative in his initial investigation, in that there would be perhaps a cadet or a group of cadets involved in some type of discussion or argument and they would perceive a matter of believing that another cadet had lied or made a false statement. And after the honor representative had gotten through and made an initial ivestigation, it turned out to be simply a misunderstanding.

But the point is that these cadets did not hesitate to go up to the honor representative and report this action that—they believed to be a possible honor violation. So the cadets knew their fellows would not tolerate what they believe to be a false statement by other cadets.

Senator Nunn. It seems to me what you are saying is somewhat contrary to the finding in the Buckley report. I thought the Buckley report insinuated pretty strongly that about 50 percent of the cadets did not really believe too much in the nontoleration clause. Lieutenant Reid?

Lieutenant Reid. Well, I think, sir, that some of the questions are broken down, have broken down into peculiar situations; such as would a cadet turn another in on the basis of suspicion, or if a cadet saw a blatant violation, would he turn that in? I think that probably the latter is the precise question.

Senator Nunn. I need to go vote again. We will take a recess for 10 minutes and I will be right back.

[Brief recess.]

Senator **Bartlett**. We apologize for the interruptions, but it gives you a change to stretch.

According to your survey that 60 percent of the corps believe that the code has deteriorated; why do they feel this way?

Lieutenant **Abcouwer**. Sir, many of the men who voiced the opinion in the survey that the code is deteriorating, I believe, voiced that opinion because they believed that the honor system was switching, to a certain extent, from cadet control to officer control. At least in my talks with members of the corps while I was a first classman, and in doing interviews for the committee, that was the most common feeling that I came across among those cadets who also had the feeling that adherence to the code was deteriorating.

The question of proprietorship is one that cadets are always concerned with. They want to believe that they are the owners of the system, and they want to enforce it upon themselves.

Senator **Bartlett**. Why did they think it is detriorating in this time?

Lieutenant **Abcouwer**. Pardon me, sir?

Senator **Bartlett**. Why did they think it is deteriorating? Because of interference from officers?

Lieutenant **Abcouwer**. They believed that proprietorship was shifted from cadet to officer to some extent.

Senator **Bartlett**. When did that occur? When did they feel that?

Lieutenant **Abcouwer**. Well, sir, over the years, perhaps, the fact that more of the cadets found guilty by the cadet honor committee, were taking the option of going before officers boards, and——

Senator **Bartlett**. And then having the sentence changed as a——

Lieutenant **Abcouwer**. Yes, sir.

Senator **Bartlett**. Could you turn that around the other way and put it in a positive way, and say that the cadets believed that now they should be given more control of the system of enforcing the honor code?

Lieutenant **Abcouwer**. But they always feel that way sir. They always do want control.

Senator **Bartlett**. And would this be more than just those who have some concern about deterioration? Would this be substantially all the cadets who would like to have more control?

Lieutenant **Abcouwer**. Yes, sir.

Senator **Bartlett**. Do you think more control, personally would improve the system?

Lieutenant **Abcouwer**. Sir, when you are a cadet, I do not believe you have the knowledge of due process that you should. Of course we have one or two law classes that you go through as a cadet, and more emphasis is on due process now than ever before, but the officers are not trying to take the system away from the cadets, but only insure that due process is adhered to.

Senator **Bartlett**. Colonel Buckley, in your report you recommended procedures for orderly change in the honor system. To your knowledge, has any action been taken on that?

Colonel **Buckley**. Some action, yes, sir. We felt it extremely important that we establish a way of adjusting and changing the system, and I am going to defer to Lieutenant Reid to give specifics on that action, or John Grech.

Lieutenant **Grech.** Sir, as a result of the special study group, as I think we mentioned earlier there was a conference held by the 1976 honor committee for 2 days at the beginning of this academic year, at which we considered a lot of the study's recommendations and realized there was a need for some continuity.

One of the ways to make sure that there was some type of orderly change was to print a procedures booklet and we did, so that there would be some basis to refer back to, and I think that that is one important step.

A second important step was the addition of secretarial assistance to the honor committee, so we properly maintain our files. And I also believe that at this moment, the Class of 1977 honor committee is in the process of instituting a recommendation that was made by the special study group. Specifically, I think it was recommendation Q underneath the procedures recommendations. It was proposed that there be a standing subcommittee of the honor committee to manage changes in the system, and I believe that the Class of 1977 is in the process of setting that up right now.

Senator **Bartlett.** Is there a system of rules for making changes? This question was asked by the chairman, I believe, of General Berry at the first meeting, and I came out of that with the feeling that there were not any set procedures. Is there not a set procedure?

Colonel **Buckley.** As Lieutenant Grech has said, there has not been a set procedure for making changes.

Senator **Bartlett.** How are changes being made?

Colonel **Buckley.** I would say that the history has indicated that the changes have been made in many different ways. Captain Wilhite, would you want to indicate from your study of the history, how some changes occurred?

Captain **Wilhite.** Historically, changes have been made in a number of different ways, by fiat, by the Superintendent, by the honor committee, by majority vote of the corps of cadets, all sorts of ways.

I, as chairman of the procedures committees, and having worked on that history, had it pointed out to me and everyone else on the the procedures committee, that something needed to be done in that area, and I think that our intent was that a subcommittee of the honor committee be formed that would consider any suggested change and take it to a vote of the corps of cadets, or set up some systematic way of clearing changes.

Senator **Bartlett.** So you would recommend a clear-cut rule, or system of rules for making changes that would be understood by the officers.

Captain **Wilhite.** Exactly.

Senator **Bartlett.** And I assume that the cadets would like to have as much, if not all, of the responsibilities of making these changes?

Captain **Wilhite.** I do not think that is necessarily the case, sir, but I think that they would like to have the changes suggested to them, and then have some say, at least, in whether or not they are implemented.

Senator **Bartlett.** Let us ask a cadet that question.

Lieutenant **Grech.** Sir, I also believe that the cadets are interested, certainly, in having as much to say as possible, but I am certain, after working for the honor committee, that there were certain areas, specifically those areas of due process, or legal implications, that we just did not have the expertise, after only two semesters of our law course at West Point, that we realized that we definitely needed some guidance and some assistance from the legal staff of West Point or from some of the administrative staff of some of the commandant's offices. And we were very willing to take that.

Senator BARTLETT. Well having guidance and assistance could still leave the autonomy with the cadets, could it not?

Lieutenant GRECH. Yes, sir, I believe that a system could be worked out, where the cadets could be fairly autonomous.

Senator BARTLETT. Colonel, would you care to respond to that?

Colonel BUCKLEY. Yes, sir, I would like to add another view on this, sir. One of the things our study emphasizes, particularly the structures portion, is that we believe that the keystone of the system is legitimacy in the eyes of the cadets, those that have to live under it, with it, and, if you will, enforce it. The key, as you hit this morning, is that cadets participated actively in our committee interchanges, and, in most cases, were involved in the initiation of changes.

At the same time, I know the Superintendant went on at some length here before the subcommittee, about his responsibilities as Superintendent, and this involves a rather unique meshing of the legal responsibilities of the Superintendent with those officials of the Academy charged with the administration of the system and with cadet concerns for the system.

As you know, there is no simple solution to balancing the requirements of due process, legitimacy, and insuring the effectiveness of the system. We constantly are trying to balance one side or the other.

Ideas for change should be initiated in the corps, the staff and faculty, or even outside the Academy. The study group recommendations were give to the cadet honor committee and as Lieutenant Grech points out, they spent 2 days of very intensive activity at Camp Buckner going over and debating these proposals, and then went back to their companies to bring the idea to the corps. Eventually, as you know, the retention issue, or discretion, as it is commonly called, was presented to the corps in the form of a referendum.

None of the other proposals were voted on by the corps, but were considered by the company and surely were reflected in the views of the honor representatives.

So we are very much concerned, and we would like to see the development of a system that would meet both requirements.

Senator BARTLETT. Thank you very much.

Senator NUNN. I would like to pose this question to each of the former cadets. Congressman Downing said, and I quote:

> I have found no one at the Academy who can explain why a cadet who had never cheated for three years at West Point would suddenly cheat on a quiz worth no more than five percent of his course grade.

A strong implication from that statement is that this was probably not the first time, and that the cheating at West Point is rather pervasive.

I would like for you to respond further. Let us call Lieutenant Grech on that.

Lieutenant GRECH. Sir, I have to say that in the case of many of the cadets involved, the conclusion would have to be drawn, that quite possibly this is not the first time that they have cheated on an academic requirement.

The survey, if you want to call it that, shows that, in fact, this is the case in many other instances, and for many other cadets and for many other classes.

However, sir, I do think that it is possible to explain a certain portion, and I certainly cannot say what portion that is, but a certain portion of the cheating instances, by the fact that the time that this requirement was due, was immediately prior to the spring vacation, so that cadets felt very pressured, in that they had several other large requirements due the same day, or in the very near future, and that, because while it was simple, well I should not say exactly simple, sir, but it took a lot of time as opposed to the amount of real effort that went into it. It took mostly time, and that is not exactly what the cadets had at that moment.

Senator NUNN. You are saying that the time and the effort required to complete this examination was disproportionate to the grade that would be received, which could lead one to believe that if there was going to be a shortcut taken, then this was the shortcut to take?

Lieutenant GRECH. I say, sir, but I cannot speak, of course, for the whole group, but I say there was certainly a portion of that group that would have felt that way.

Senator NUNN. Thank you, Lieutenant Abcouwer.

Lieutenant ABCOUWER. Sir, I am not familiar with the case that we have now, but, I believe that if a man is going to commit an honor violation at West Point, he is more likely to do so, or to get tripped up on a smaller stone than on a big boulder. What I mean by that is, if he is going to compromise his integrity, he would probably not attempt to do it on a very large weighty and important assignment. That assignment would probably be noticed by the instructors. He can better rationalize the case of a small assignment. He could say to himself, this is only worth a small percentage of my grade; therefore, it is not a very large offense. In my opinion, this is a man without a good sense of integrity. But if you do have such a man, I believe that he is more likely to violate his honor in a minor requirement.

Senator NUNN. Thank you, Lieutenant Reid.

Lieutenant REID. Sir, I think the lieutentants touched on several of the issues raised that may have possibly led to this particular large scale cheating. And from what I understand of the situation, of course, I have no direct contact with it, is that it was a set of circumstances that were, through the combination, quite unique in the history of the Acadamy.

And I tend to think that this situation is a product of spontaneous combustion. Those circumstances, at the right temperature, and one of them, through some spark, set off the flame that involved all these individuals. I do not believe, personally, that there were a large number of men who were consistent cheaters. I think that probably several were. But I do not think it was a great number.

I think that perhaps through the timing of the requirement, and the weight of the requirement, as opposed to the time that was involved in completing it, as well as other things that the cadets involved in the incident may have begun to rationalize their actions which turned out to be cheating in the final results.

Senator NUNN. Thank you. Lieutenant Keene.

Lieutenant KEENE. Sir, what I would like to do at the end of this big table, is to underscore a lot of points. About the only thing that I could add that would be original from among the cases I sat on are the situation where the cadet had to be proficient in a subject in order to compete athletically, or he had to have a proficient grade in that particular course, in order to bring him to overall proficiency. These situations created additional pressure but the response was strictly up to the individual.

Senator NUNN. Thank you.

We will start with you this time, and give me your original opinion. All of you, as cadets and now officers, are very familiar with the honor system, and now you are in touch with the Army. Since the time you have been in you have seen from both sides, so in light of the situation, in light of the fact that there are a good many allegedly involved in this particular instance, what do you think should be done?

You are not in the chain of command, now, but what do you think should be done about this particular incident? Do you think that rules should be, in any way, temporarily waived while this is going on?

Lieutenant KEENE. No, sir, I would not change the rules of the system. I would continue with the procedures as they are, taking them one by one. I would not change the procedures during the full investigation or the trials; I would continue as normal, but with awareness of the large scale of the situation.

Senator NUNN. You are saying it should be treated just as if it were 1 case, even if it is 171?

Lieutenant KEENE. Yes, sir.

Senator NUNN. Lieutenant Reid?

Lieutenant REID. Sir, I have to agree with that. I think the current system is adequate, and can handle situations that we are currently investigating. Perhaps there would have to be some adjustments to handle the large numbers, but I do not think that the system itself should change in any way in this particular case.

Once this set of cases is through and once this set of cases is behind us, I think that we should take a very close look at exactly why it did occur and learn some lessons.

Senator NUNN. But not during these cases?

Lieutenant REID. No, sir. I do not think, again. I really do not think it could be that objective at this point. It has to be done later.

Senator NUNN. Thank you. Lieutenant Abcouwer.

Lieutenant ABCOUWER. I am in agreement also, sir. I think that it can serve as perhaps, a good example, that we do need to look at our system. But, I do not think that we should take any hurried look, because we do have the case at hand.

And I believe that the changes that have been made by the Superintendent, for the expedition of these cases are valid. And he did consult members of the cadet committee, to include the chairman of that cadet committee before he made those changes.

Senator NUNN. Lieutenant Grech.

Lieutenant GRECH. Sir, again, I think, the only way the cadets will support the system is if they think that it is applied fairly, and if they think that it is equitable, and that regardless of who is concerned or what the situation is, that the same situation will apply.

However, again, I would say that we should continue on the way we have always done in the past, but we certainly have to remain aware and very sensitive or knowledgeable concerning the fact that there are a great number involved this time.

But I just think we should continue to be aware of this factor and concerned about it and try to determine why, but I do not think that that should necessarily affect our ongoing investigation.

Senator NUNN. Now let me start with you again on another question. Do you think that either the honor committee, the board of officers, the Superintendent of the Academy, or the Commandant, should grant immunity to any cadets in order to get full, complete, and candid testimony about this particular matter and about West Point cheating in general?

Lieutenant GRECH. Sir, I feel that our system places a premium on the fact that, in all cases, an officer, when he gets into the Army, is not going to be afraid to testify or tell the truth, regardless of what the consequences are going to be, and I think that is the important point that we have emphasized in our education process. The reason for the honor code at West Point, is to impress upon cadets the importance of what is going to happen once they enter the Army.

Senator NUNN. Somebody cheated on the electrical engineering examination.

Lieutenant GRECH. Sir, again, I guess I have to say, that a system that places that much importance on preparing someone for the Army, where you are going to be required, regardless of the sanction, regardless of what the punishment might be, to tell the truth. I think you must reinforce that in the training and education, and by the example you give to the rest of the corps.

I do not have all the information [illegible] this fine point as I am not involved with the internal review panel. But, from what I understand, the internal review panel has gotten, I believe, a lot of information without giving immunity; this is in addition to the large amount of information that the honor committee came up with. I believe that if the honor committee had been able to handle the investigation, we would also have come up with that information obtained by the internal review panel.

So I do believe that the system does get to the bottom of a situation.

Senator NUNN. Lieutenant Abcouwer.

Lieutenant ABCOUWER. I would definitely be against granting amnesty to any of these cadets. I believe that the truth will be reached by the provisions that we now have, and I also believe that one of the great strengths of our system, is that all cadets are handled the same way.

This applies not only to our honor system, but to our other systems at the Academy. All cadets are trained to be Second Lieutenants, and officers in the same Army, and therefore it is important that we all get treated the same way in cases such as this.

Senator NUNN. Lieutenant Reid.

Lieutenant REID. Sir, I have to agree that I think that the system is working in spite of the number of people involved in the investigation. I think there is enough there, that the case will be thoroughly investigated and that appropriate action will be taken.

I do not think it is necessary, at this time, to grant immunity, in order to expedite cases or to insure that justice is done. I do not think it is necessary. I would be interested to find out exactly why a particular individual who had been found guilty chose the course he did.

I think perhaps after the actions are completed, the individual would volunteer to come out and explain or rationalize his actions so that we could identify the human error involved. That would be helpful for future years.

But I do not think at this time, granting immunity would be appropriate at all.

Senator **Nunn.** Thank you. Lieutenant Keene.

Lieutenant **Keene.** Sir, I would also agree that immunity should not be given at this time. The system is efficient and can handle the situation. It can arrive at the proper truth of the matter, without having given immunity.

In the interests of consistency, immunity should not be granted.

Senator **Nunn.** Colonel Buckley, let me ask you a question on this point. Do you know of any case where immunity has been granted to any cadet during this investigation or during any investigation in order to secure this testimony?

Colonel **Buckley.** I do not, sir.

I will ask Captain Wilhite if his history development indicated any.

Captain **Wilhite.** As far as I know, from the research we did, that has never been done.

Senator **Nunn.** Do any of you know of any case where immunity has been granted?

[All witnesses nodded their heads in the negative.]

Senator **Nunn.** Let me ask you one other question in this general area. There are certain recommendations that the Buckley committee made. I believe Lieutenant Grech dissented from one of those recommendations, and that is the flexibility of sanctions. Is that correct?

Lieutenant **Grech.** Yes, sir, I did.

Senator **Nunn.** Do the rest of you agree that flexibility in sanctions should be something to be seriously considered by West Point?

[Nods in the affirmative.]

Senator **Nunn.** Does anyone else have a dissenting view on that?

[Nods in the negative.]

Colonel **Buckley.** There were other members on the study group——

Senator **Nunn.** I mean, in this particular group here. Would there be one person here that felt the code as it exists is the way it ought to be, and the others would feel there ought to be serious consideration given to some form of discretion? Is that right?

Well, let me ask you at this point, then, if there were discretion similar to the Air Force Academy or the Naval Academy, what effect, if any, do you think that would have had on the current problems at West Point?

I will start with you, Lieutenant Reid, on this one.

Lieutenant **Keene.** Sir?

Senator **Nunn.** I meant Lieutenant Reid—if there had been some form of discretion?

Lieutenant **Reid.** Yes, sir. Well, in considering the specific recommendation that the superintendent's study group made regarding retention or discretion, I do not believe that under the current circumstances, discretion would have been granted, in most cases. I do not know the specifics in all cases.

In my view of that concept discretion involved three general criteria: That there was undue pressure of some nature, the experience level of the individual who was accused of the violation, and whether or not the incident was self reported or the individual demonstrated that he is a person of high integrity in some other way.

From what I understand of the current situation, none of those three criteria existed. It was a cheating incident which involved premeditation, and there was not necessarily undue pressure of any nature involved in that particular thing, and the individuals were of the second class, which meant they had been living under the code for 3 years, and thus, had had a great deal of experience under it; and there was no case that I know of where an individual turned himself in for a violation.

So, I do not think that, under the circumstances, unless there are exceptions—generally, I would say, no, discretion would not be involved.

Senator **Nunn**. Do any of you former cadets have any different views than that, or any additions you want to add to what Lieutenant Reid said?

Yes, Lieutenant Keene?

Lieutenant **Keene**. Sir, as a member of the subcommittee, the discretion committee, we came up with a program of implementation——

Senator **Nunn**. Came up with what?

Lieutenant **Keene**. Came up with a program of implementation. On page E–3 of the report, at the top of the page, we quote "however, the existence of unusual pressure and the fact that a violation was reported are musts for any favorable consideration." Sir, as a member of that committee, I would have to say that, given the current electrical engineering dilemma of the Academy, sir, we would not have included or applied the concept of discretion we had in mind at the time that we wrote this report to these cases.

Senator **Nunn**. On page E–2, you set forth three reasons why you, the Buckley committee, feel discretion should be considered. I will repeat those and see if you agree with them at this point. There was one where some type of undue pressure was involved; two, the whole violation was self-reported; three, the cadets feared that the honor code was limited.

On some, you say any one of those three would be reason for consideration of the granting of discretion. Is that right?

Lieutenant **Keene**. No, sir.

Senator **Nunn**. Are you saying that all three——

Lieutenant **Keene**. It is my understanding of the committee's intent, sir, that all three were necessary to qualify.

Senator **Nunn**. In other words, you are saying that basically, it ought to be a combination of those three?

Colonel **Buckley**. Sir, this issue, as you sense, has been difficult for us, because there are so many shades of opinion involved here.

We made a recommendation. The referendum that was subsequently voted on was slightly different than the recommendation, as it appears in our study, and then, besides that, there is a more general feeling about flexibility within the system or discretion, and I think you would find represented here shades of opinion going from Lieutenant Grech, who would not go for any form of discretion to a range of discretionary actions.

Senator NUNN. But it is fair to say that—and correct this if I am wrong—in this assumption all of you would agree that, even if there had been some form of discretion as outlined here or as possibly envisioned, a more flexible system, in this particular case you do not feel discretion would be appropriate. Is that correct?

Lieutenant GRECH. That is correct, sir. It is my understanding that most of the individuals who sat on those honor boards did not feel that in any case any of the requirements which were set out in our study group report or requirements that had been discussed previously before the Corps would have applied, sir. There may be some situations that I am not aware of that might be considered differently.

Senator NUNN. Anybody disagree with that?

Colonel Mead?

Colonel MEAD. I do not disagree at all, sir, with not have applied. I say "criteria" now, but during our committee discussion we used the phrase "guidelines for consideration by the honor committee." So, possibly, in some specific cases, one of these criteria might have been missing, but another would have carried so much more weight in the judgment of the honor committee that the discretion could have been applied.

But to get to the point of your question. I think the view of our group was that with some sort of flexibility in the system, changes would have taken place in the system, however subtle they may have been, that would have somehow strengthened the system, and possibly in the long run, we would not have had a situation of the magnitude that we have today.

Senator NUNN. So, you are saying, No. 1, that in this particular case, if it had happened just as it has happened, probably discretion would not have considered, even under a flexible system?

Colonel BUCKLEY. Yes, sir.

Senator NUNN. But you are saying, number two, that had there been a flexible system operating for several years, it is possible that this episode might have been involved by indirect strengthening of the honor system?

Colonel MEAD. Yes, sir; that is one of the operating assumptions that this committee had when we recommended some flexibility, that it would, over a period of time, strengthen the system, both from the standpoint of cadet participation and as an amendment to the system, applied with all fairness and equity.

Senator NUNN. I assume that all of you agree with that, except Lieutenant Grech would not agree with that, would you?

Lieutenant GRECH. Sir, again, I did not agree with the concept presented here in the study group report, or with the proposal that was presented before the Corps, and neither, apparently, did 40 percent of the Corps. But if there is a specific system change that included some type of discretionary floor which I thought was strong enough to help, I certainly would be in favor of it.

At this time, sir, I am not aware of a system change of that nature.

Colonel BUCKLEY. Sir, I have to add that from my position, I cannot be sure that discretion in some form would not apply to some, or any number of the cheating cases.

Senator **Nunn**. I will repeat these three because I think they are important. There was some type of unusual pressure involved; or the violation was self-reported; and that the honor code was limited.

It seems to me the third reason would virtually have the effect of no discretion for seniors and juniors. It could be interpreted, it seems to me, if you strictly said that all three of these features had to be present, that you would disqualify anyone who had experience with the honor code, which would mean that any one who had been there—I do not know what length of time, but maybe over at least 2 years—would not be qualified for discretion. Is that your meaning under this?

Lieutenant **Reid**. Well, sir, again, I think that there has been a misunderstanding as to whether or not these three specific items are criteria or whether they are guidelines. It is my understanding, and this is what I brought back with me from the Air Force Academy, which has, I believe, the same or three very similar, that they are general guidelines that should be applied to the case, and that perhaps one may not be met, but there are other situations or facts involved that override, in the absence of one of the guidelines.

Senator **Nunn**. In other words, if one of them was present in very substantial forms, it might explain the absence of one or more of the other two? For instance, taking the extreme situation just for the point of illustration, if one cadet came in and threatened another cadet's life if he did not help him on the test that could be taken as extreme pressure, even though the person who was threatened was a senior, and would have graduated. That would be pressure, would it not?

Lieutenant **Reid**. Yes, sir, that would be pressure. I think that is a little extreme, but it could be something of that nature could happen.

Lieutenant **Grech**. Sir, I also believe that, had that individual who was threatened eventually reported—or if someone eventually reported, since in all honor violations, the committee looks at both the act itself and the intent, it would have been established that individual did not have—his own intent—in effect had the intent forced upon him, he might not even have been found in violation because at least it appeared on the surface, given the event that you just gave, he may not have the intent at all.

In that case, he might not even have been found, sir.

Senator **Nunn**. It seems to me that some of this discussion points out the need of something Senator Culver was talking about; to summon some body of illustrations in law—illustrating, by example. It seems to me there could even be a case made that you need some form of written booklet, not just the rules, but some examples given to cadets who are entering the school, as a way of illustration.

I know this is not easy to accomplish, but it is done in our whole judicial system. We have a whole body of case law to give example after example of what is a violation and what is not a violation, and I would think perhaps if there is consideration given to revision, this might be one of the things to be considered.

Colonel Mead, would you comment on that?

Colonel **Mead**. Sir, as you know, we came at trying to strengthen the system by three methods. One was on flexibility. Another was education. We look upon this type of thing as part of the education and, I think, from my own personal standpoint, I am very much in agreement that we need to develop more of this kind of thing.

We have always been in a bit of a dilemma here, because as you know from the law, once you get very specific on particular cases, then you have a problem of credibility in accepting those cases. So, for purposes of illustration, we have to develop, or are developing, a number of things like this.

We agree, and I think that we look upon that as an integral part of the developing education program that we are trying to put into effect.

Senator NUNN. Let me address this question to the officers, and then, this will be my final question, at least for the time being.

We have talked a lot about cadet attitudes. You had a survey on cadet attitudes. Did your survey touch on the question of instructor attitude toward the honor system, whether the instructors themselves took it seriously?

Colonel BUCKLEY. Yes, sir, we did survey these things.

Senator NUNN. What did you find about the instructors?

Colonl BUCKLEY. Any specific area, sir?

Senator NUNN. Well, did they take the honor system seriously? Did they believe it, No. 1, should be adhered to; and No. 2, that it was being adhered to?

Colonel BUCKLEY. I think we have some data on that, which you also have in the study report.

Colonel MEAD. I have the data here, sir, but I will characterize the attitudes, first, by saying that they are essentially congruent with the cadet attitudes, and that applies both to some of the negative attitudes and some of the positive ones.

The number that you quoted earlier about the belief that the system is deteriorating—possibly 50 percent has some feeling, strong or moderately strong, to that effect. Officer attitudes on the same issue were about the same as the cadets, about 50 percent.

On other aspects, yesterday I quoted the cheating figures.

About 5 percent of the cadets thought that cheating had occurred. Also, about 5 percent of the academic instructors. Over 200 of them were surveyed, and in addition a number of officers were interviewed. Both groups essentially agreed.

Senator NUNN. Agreed with what?

Colonel MEAD. With the 5 percent.

Senator NUNN. You said 5 percent believed that cheating was occurring?

Colonel MEAD. Was occurring; yes, sir.

Senator NUNN. About 5 percent of the instructors said they felt that cheating was taking place under the honor system, meaning 95 percent said they did not think it was taking place?

Colonel MEAD. Yes sir.

Senator NUNN. What was the first point about 50–50? I did not get that point.

Colonel MEAD. Sir, you quoted earlier an item from our survey that about 50 percent of the cadets felt the spirit of adherence to the honor code was deteriorating. The officers surveyed indicated approximately the same level of agreement. In other words, the attitudes were congruent, with some very moderate exceptions, and I would be happy to point those out, and take some time to go through the survey.

Senator NUNN. Do you think there is a coincident relationship, or do you think relationship between that attitude and the instructor attitude, that 50 percent that believes the code is deteriorating?

Colonel MEAD. It is a hard question to answer with any——

Captain WILHITE. Sir, may I take a shot at it.

Colonel MEAD. Sir, I think there is a direct relationship, partially, a factor of the contact the officers have with the cadets. They know of things outside the classroom, and are quite intense in their observations.

Senator NUNN. Well, does this mean that maybe the first step should be to have a different attitude in the officers' group?

Colonel MEAD. Well, as I said, it is partly a function of what they observed, sir, and what they say, but I think that the officer commitment to the code and to the system was extremely high.

Senator NUNN. The commitment was high, but the expectations were low. Is that right?

Colonel MEAD. Well, 50 percent is kind of low or at least about the same as the cadets.

Captain WILHITE. May I add something, sir. I think that question may have been worded, "Has there been deterioration in the time that you have been on the faculty here now, and has there been deterioration between the time you were a cadet and that you are a faculty member?" And I think all of us tend to view our past experiences with things like West Point as really more rosy than they probably were.

Senator NUNN. What is the answer to the question? Has there been deterioration?

Captain WILHITE. I am not sure that the question was worded that way.

Senator NUNN. It was basically relating back to the experience as a cadet or the experience as an instructor.

Captain WILHITE. I think if it was not worded that way specifically, it certainly could have been done that way.

Colonel MEAD. Each of us, as you know, sir, has kind of a snapshot of what he thinks the honor system and honor code are, based on his 4 years as a cadet, and that is kind of a frame to work with, a frame of reference each of us uses. One of the things that the history of the honor system really brought home to all of us was that it has not always been the way that it was when we were there as cadets for 4 years.

It is changing, and that is in part responsible for the difference in attitudes.

Senator NUNN. Well, let me turn this around a little bit and ask Lieutenant Grech and some of the others if they want to comment. Do you think that the instructors themselves played a vital role in the deterioration of the honor code, if it has deteriorated?

Lieutenant GRECH. Sir, do you want me to answer first?

Senator NUNN. Yes.

Lieutenant GRECH. Sir, I believe certainly if an instructor, when he comes to the classroom, and especially with the fourth class and the third class, if the instructor comes in and gives the attitude that he does not feel the honor code is important—an officer has a great deal of influence and would certainly have a great deal of effect on those kid's attitudes—it would be detrimental. But in the 4 years that I have been there, I have never seen an attitude like that, sir.

I recall, almost without exception, that the officers were very supportive of the honor code and expected a great deal from the cadets.

A lot of the discussion I had, because of my position as vice chairman, was with the faculty of the departments. This took place before the academic year started, and involved describing to them some of the changes that had been made, and they were very receptive, sir, and showed a high level of expectation. So, I would have to feel that if 50 percent felt that the support was less than it had been or the attitude was worse than it had been previously, mostly it was a feeling that it was better, or it was always better in the old days, the old days being even 5 years older, when he had been a cadet, whatever period it was.

I feel very strongly that an officer should be supportive of the system. I have not seen the type of attitude to which you referred.

Senator **Nunn**. Thank you.

Lieutenant Abcouwer?

Lieutenant **Abcouwer**. Sir, in my 4 years of education at the Academy, I did not come across an instructor who voiced the opinion that he did not believe in the honor code. As a matter of fact, in our survey in which we talked to officers, there was another prevalent attitude, and that was, tell those candets that it is not just their honor code; it is mine, too. Do not refer to it so often as the cadet honor code. Start referring to it more often as the Armed Forces honor code.

Colonel **Mead**. Sir, may I quote just a couple of other items from the survey that give you a feel for the faculty view—and I say "faculty"—this included officers on headquarters staff, in the academic departments and technical departments and also in the U.S. Army Hospital, who were predominantly not graduates of West Point.

Of the USMA graduates surveyed, 75 percent felt that the honor system—living under it—had significantly contributed to their development as an officer. The honor system had also significantly contributed to the personal development of these individuals—again, 75.7 percent of the respondents.

So, the commitment is rather high. The question we had earlier, I think, also indicates this.

Of the 134 cases that the honor committee handled—this is the full cadet honor committee—that were found to have violated the honor code between 1972 and 1976, approximately 50 percent—51.5 percent—were officer-reported; 33.6 by other cadets, which indicates somewhat the strength and the participation in the nontoleration aspect.

And interestingly enough, from the standpoint of the criteria we discussed, or the guidelines, another 7 percent were self-reported, and the other 7 percent were officer and other cadet jointly reported.

Senator **Nunn**. Lieutenant Reid or Keene do either of you have any comment on this particular point?

Lieutenant **Reid**. I have to agree with Lieutenant Abcouwer. We had the same 4-year period of time and a lot of the same instructors, and I have never witnessed an officer who talked down about the code itself. I think that if an officer did do that, and if it were reported, I believe the officer would not remain very lond as an instructor.

I am sure that the Academy tries to foster an environment where honor is at a premium. I am sure that an officer could have an influence on the deterioration of the code, but I have never seen that occur. I do not believe it has happened.

Captain **Thoden**. Sir, as an instructor at the Academy, I believe I have authority and that I am able to influence cadet opinion. I have not encountered a fellow officer who did not have knowledge of the honor code or the spirit and letter. However, as shown in the report and in discussions with fellow officers—there is varied opinion on what the honor system ought to be. This opinion is influenced basically by each individual's 4 years under the system as a cadet, and by concepts picked up as he progresses through the service.

But the officers, the academic officers, do support the honor code and enforce it. We do not actively seek out honor violations. We do not prejudge the student. But if an honor violation is seen or witnessed, it is reported and pursued.

I myself have reported two honor cases in my tour of duty at the Academy.

Senator **Nunn**. Thank you.

I am going to ask each of you, once Senator Bartlett completes his questions, to add anything that you think we have omitted. I do not want to deprive you of an opportunity to let us know any of your other feelings that have not been the subject of particular questions. I will give you an opportunity to be thinking about that, and turn it over to Senator Bartlett.

Senator **Bartlett**. Is there any difference of opinion among cadets as to what is meant by cheating?

Lieutenant **Grech**. Sir, I can speak specifically, in that the new honor instruction booklet has been prepared for the new cadets that are coming in this summer. In this particular book, there is a section which defines what lying, cheating, stealing, and toleration are. It is very explicit, and it is given to each one of the new cadets. The specific descriptions are basically the same as has been given for the last 4 or 5 or 6 years.

So I feel that, first of all, they do receive a very similar, very exact background as did the class of 1978. I am sure they all got the same information, because I personally gave each of the classes, so I know they all received the same instruction as to what cheating was.

Secondly, as far as the situation in the electrical engineering department, based on the boards on which I sat, the cadets involved indicated that they neither misunderstood cheating nor the requirement in question.

In almost all cases, and I cannot give an exception at this time, the point they were trying to make was that the issue did not involve a lack of understanding. That defense was not used at all.

Senator **Bartlett**. Colonel Buckley, do you consider the four recent West Point graduates, the lieutenants who are today with you, as being representative of the view of the corps in regard to the honor code and honor system that is designed to enforce the code?

Colonel **Buckley**. Yes, sir. I think that they are certainly representative, and I think they are themselves exceptional young men, and they were exceptional leaders as cadets, but I see them as speaking for the vast majority of cadets.

Senator **Bartlett**. Colonel Buckley, what would you think of the subcommittee interviewing men, cadets from the various classes in a confidential study, to possibly get a broader view of how the cadets feel about the system and the honor code itself?

Colonel BUCKLEY. Sir, I think that you would gain some additional information. I think you would hear many of the same views you have heard this morning and yesterday. I think that if such a move would promise immunity it should not be done during the present crisis or the hearings that are going on now.

I am not particularly in favor of that sort of action during the time of the present hearings.

Senator BARTLETT. Colonel Buckley, 74 percent of the corps believe that honor violations are punished more severely at West Point than in the Army. Do you agree with that?

Colonel BUCKLEY. I think that the honor code is something that the Army is very proud of. It is appropriate to the Army, as well as to West Point. I think the situation in which cadets live and operate causes the values of the corps to be more homogeneous than those of the large diffuse Army. If we do not maintain the higher standards at West Point, we cannot effectively carry these values into the Army.

Senator BARTLETT. Do you feel it is realistic to require a cadet to be more honorable than the officer he is trying to be?

Colonel BUCKLEY. I think that in the cadet situation, it is very realistic to set high standards, and to do everything possible to get those standards inculcated by the students and to have them to adhere to those standards. I think that we have to set high standards in order to achieve reasonable standards in the broad spectrum.

Senator BARTLETT. I would like to ask this question of all four of the lieutenants. I would like to ask each of them what they would recommend be the recommendations of this committee to the honor committee or to the West Point officers, the officer committee, as far as changes in the honor system.

I think that the hearings that we have had so far have brought up very clearly that although we do not know the final decision yet, the system has not worked as well as I think most of the strong supporters of it would like to see it work, at least in the current situation being decided now, as far as the class of 1977 is concerned.

I do not need them to be named in order, if you have more than one, but I just named some, and these are not supposed to necessarily lead you in these areas, but these are some of the things we talked about with you in questions, and to which you responded—whether you want to suggest a change in nontoleration; whether you would suggest discretion in sanctions, or lower sanctions—however you would like to put it—whether you would suggest more cadet autonomy; whether you would suggest less officer or autonomy from above; clearcut methods for changing the honor system; changing the rules; more initial and continuing indoctrination; development of case law for the honor committee, as well as for the use of those who are reviewing honor committee actions; access to more legal advice; actual swearing to report violations, as well as to give or receive assistance.

I am not trying to restrict it to these. I was trying to write down rather hurriedly some of these things that have been talked about this morning and yesterday. So, I would like to ask each of you and then ask the others up here the same thing, but I would like to start with Lieutenant Keene.

Lieutenant **Keene.** Sir, I will just suggest three of them. I think first, the code should be kept intact, as it is now, sir. I feel, however, discussion should be expanded. I think that one of the major spinoffs of that would be increased intoleration or nontoleration within the corps itself, and finally, just continued evaluation, in that I feel it will strengthen the code and the system at the same time, sir.

Senator **Bartlett.** What do you mean by evaluation?

Lieutenant **Keene.** Just what we are doing here now, sir. This report helped in evaluating the system and we have gotten much out of the process.

Senator **Bartlett.** You review by the honor committee that sort of thing for the officers?

Lieutenant **Keene.** Right, sir.

Lieutenant **Reid.** Sir, I have to agree with Lieutenant Keene on that. The primary question on that is, should the code be changed in some way?

Senator **Bartlett.** Incidentally, I am talking about recommendations you make.

Lieutenant **Reid.** OK, first the negative aspect; we recommend no change to the honor code. I do feel that there is a need for some flexibility, and I do recommend that some form of discretion perhaps narrowly defined and very closely guarded to insure that it does not get out of hand, be implemented.

I think safeguards should be built in so that we keep this discretion concept from getting out of hand.

I think that we definitely need to have a system of orderly change so that we can systematically approach the problems that have been appearing, and try to foresee the problems that may occur, and change the system to meet those requirements.

Possibly, we do need to have more indoctrination or better education on the part of the cadets. In line with that, you mentioned a sort of swearing in. I think, perhaps, that is a good idea. I enjoyed the Air Force's narration of what happens when that occurs and I was very impressed with the idea.

Lieutenant **Abcouwer.** Sir, on the subject of nontoleration, I definitely support our nontoleration clause as it stands in our honor code. I would definitely be against any change to our honor code.

I believe there is good reason for looking at our honor system and that some changes, probably, should be made, specifically, more instruction, better instruction, if possible, insuring that our system become——

Senator **Bartlett.** May I interrupt?

More discussion by cadets, or do you mean that also of officers?

Lieutenant **Abcouwer.** By both, sir, with more instruction.

I think we should insure that our system remains a human one, that we allow room for human error.

This opens a subject of discussion. I believe that we have certain forms of discretion at this time. By that I mean discretion in the minds of the men who make up our honor committee. If he believed that a man told a lie of no significance, in other words, that man made a slip, but he is an honorable man, perhaps he corrected himself right away after he made the slip, in their minds they do exercise forms of discretion, and now, probably, will not find that man guilty.

But, what I am saying is, we need those sorts of safeguards written down, and added to our instructions. There should be specific methods of change also written down. In the area of the development of case law and legal davice; we do have legal advice available to us at this time, but you do get into some problems with developing case law, when you have a system that is run by cadets. We just do not have that much knowledge of the law. And neither do we have that much time to get involved that specifically with records of cases and precedents. That is all I have, sir.

Lieutenant **Grech.** Sir, I too, am a strong supporter of the nontoleration clause. I feel it is a key to our code. As I already pointed out, I feel that discretion in any form that I have been acquainted with, is not at this time properly part of the system.

I think the most important thing is that we increase the education in this area, and I think this type of change could strengthen the code, and the system, as opposed to a discretion clause.

However, if there is a discretion clause, my view is that a most important thing is that it have overwhelming support of the Corps of Cadets, and that the corps does not feel that it is imposed by someone else.

Again, sir, I cannot emphasize enough, the importance of education. And I think a key point is to try and make this system a little simpler for the cadets to enforce. I feel myself, that this year I spent much too much time worrying whether or not somewhere down the road, at the Supreme Court or somewhere else, some small thing that we did is going to end up having a great impact on our honor code system. I feel certain that we have to be very, very protective of the individual's due process and his rights, that is obvious, but if there is any possible way to make sure the only thing the cadets have to worry about is just looking at the case in a normal manner, and reasonable manner, and deciding whether or not the individual violated the honor code, we should do it. If we could do something about that, I think that would be a great improvement, sir.

Senator **Bartlett.** Can we start now with Captain Thoden?

Captain **Thoden.** Yes, sir. I certainly believe a certain amount of discretion ought to be built into the system and I would agree with what was said by the lieutenants. But, I would like to add something in addition though, as far as the structure of the system goes.

We should give consideration to structuring the cadet honor board on a grand jury level, and to reduce their criterion for forwarding, say, sufficiency of evidence, so that we can concentrate on the legal aspects and satisfy due process and the officer board.

To offset the possible perception that this section of proprietorship is being shifted toward the institution, a combination of cadets and officers on the officer boards would balance judiciously, by sense of proprietorship by both sides, and would also provide a military justice training vehicle for the cadets.

Senator **Bartlett.** You still have a case where the—all the evidence is——

Captain **Thoden.** Yes, sir. This proposal goes under the name of the "Anderson Proposal" and it is found in annex F, structural modifications committee. And I might add that this was not something that was approved by and voted upon by the entire committee. It was a separate section of the report.

Senator BARTLETT. Colonel Buckley.

Colonel BUCKLEY. Sir, I very much go along with the proposal that Captain Thoden has suggested. It was one of the more advanced proposals put forth by the study group. It has some special features that were not considered by the entire group until too late in the game for detailed discussion.

But, I think this proposal would do many of the things that we are concerned about, and because the hearing then would focus on board process it would provide for the consideration of precedent and for other legal factors that are probably very desirable.

So, I support that move. I think, as the others have mentioned, education and indoctrination need to be improved and we are stepping very much in that direction now on a broad front, not only in the cadet honor system itself.

I think, that as you suggested, a process for change is absolutely essential, and I think we are making some moves in that direction, and I like that.

Certainly, as you know, I support greater flexibility in the system.

Colonel MEAD. Sir, I do not have anything substantive to add to what the lieutenants and the other officers have said.

I would like to reemphasize that I think the process through which any changes are made is in many ways as important, and probably will have as great an impact upon the eventual success of the system, as maybe even the substance of the changes.

And there I am coming back to legitimacy. I know that General Berry pointed out the fact that those of us who live at West Point, and have been there as cadets and officers are very sensitive to the fragility of this relationship between cadets, officers, the system, and the code. And whatever changes are proposed, how we go about instituting, developing them, and adopting them, I think is absolutely critical to whether or not they will contribute, in the long run to the eventual success of the system.

Senator BARTLETT. Captain.

Captain WILHITE. I second Colonel Mead's statement on change.

I would like to make another point. And that is, I think we need to underscore the fact that cadet participation in the code is one of the primary reasons why it has survived over the last hundred or whatever years.

And the perception on their part, that they are taking the major part of the responsibility for the administration of the honor system is equally as important. I think we have to keep that in mind as we consider the changes that you have suggested.

Senator BARTLETT. Should that participation be increased or remain the same?

Captain WILHITE. I think it is at a pretty high level right now, and I think it certainly should not be decreased.

Senator BARTLETT. I will be back in just a minute.

Senator NUNN. I think we are about finished. I think he does want to ask if there are any other observations or recommendations or anything that any of you want to say.

So you will have to be thinking about that.

Senator **Bartlett**. In case you gentlemen leave, before I get back, I want to thank you very much. I think you have helped us a lot. I appreciate your time and the preparation that has gone into your answers, and I think they have been very helpful. I am sure that everyone who is interested will be very appreciative.

Colonel **Buckley**. Thank you, sir.

[Whereupon, at 12:45 p.m., the subcommittee recessed, to reconvene at 12:50 p.m. the same day.]

AFTERNOON SESSION

Senator **Nunn**. Gentlemen. As you see, we have been interrupted a good many times, but I think you have covered most of the questions that I have. We may have some more to propose to you, but we will either be in touch with you by telephone or by letter.

I would like to give each of you an opportunity, because we have asked the questions, to say anything that is on your mind about this overall situation and our concerns, if you have any particular observations that have not been covered.

I will start with you, Colonel Buckley, and go to the right to the end of the table. If then, anyone has any comments, feel free to venture them.

Colonel **Buckley**. I do not have anything to add to all that we have covered here. I think, sir, that we, as a group have gained from this discussion and I think we will carry back, for further consideration, a deeper knowledge of what we are faced with, and possible ways of adjusting the system, sir.

We have learned a lot in the last 2 days, and as well, we hope we have given some information to you.

Senator **Nunn**. Well, we certainly have learned quite a bit. It has been very good for us.

Lieutenant **Reid**. Well, sir, I would like to make a comment on a subject that I think Senator Bartlett was touching on. I think it is important to the Army to know whether or not the West Point honor code accurately reflects reality and whether or not the code should in some way be adjusted to reflect changes.

I am of course, a recent graduate, and I have experienced just 1 year of active duty, and really have had only 3 months with my unit. But in that short time period, I have witnessed the importance of integrity within the officer corps and within the Army as a whole, and have also witnessed examples where integrity, my integrity particularly, has been questioned. Specifically incidents where NCO's requested my signature on documents that I knew were false, and which I refused to sign.

And I believe that if we are not equipped with a high sense of integrity, with which West Point equipped me during my time as a cadet, that I might have perhaps fallen into the trap of falsifying information, such as readiness reports of the status of my unit. And I think that it is an absolute necessity that we continue to produce officers of high caliber and high integrity for the Army.

I do not think that West Point should bring itself down to the reality of certain individuals in the Army who do not have a high level of integrity and there are certainly people who are dishonest. But I think that a lack of integrity is a syndrome which is not acceptable in the corps; and I think that we should strive toward the goal of complete integrity as endorsed in the honor code. And I think that we must make the Army fit the West Point standards, and not let the standards of the honor code be adjusted to that of the current Army.

Senator **Nunn**. Thank you very much. That is an expert statement. Thank you, Lieutenant Keene.

Lieutenant **Keene**. Sir, as a very recently graduated cadet, I am a little more emotional. I would like to say that one thing that I am going to carry away with me, and that I feel so sincerely and emotionally involved about, is the cadet honor code and what it has done for me. I really appreciate West Point for that.

Senator **Nunn**. Thank you. Captain Thoden.

Captain **Thoden**. My concept, and I am responding now, to a comment made by Senator Culver, my concept of personal honor and integrity were not primary in my character prior to entering West Point, at least in my perception. And I can assure you, that my West Point experience, in particular the excessive number of hours I spent on this committee, have broadened my concept of honor and created an awareness for the need for an honorable man, resulting in the concept of the honor code becoming more primary in my character.

I say this not to imply that such a development could not occur in some other system, nor even individually, but I say, in response, that the effect of the West Point system is to broaden and sharpen the individuals concept of honor.

Senator **Nunn**. Thank you very much. Captain Wilhite, will you start with any other observations that you have?

Captain **Wilhite**. I do not want to be redundent. I second most of what has been said already. I would like to focus on one point. The analysis that I did while writing a history gave me a perspective on the fact that there had been a number of crises in the last 75 or 100 years, as the honor code and system has applied to West Point. Somehow we have always managed to endure the crises.

In fact, one interesting one in 1905, that resulted in a Corps of Cadets rolling a railroad car in front of the superintendent's house. But we got by that one without a shouting fight.

The point that I am trying to make is that we should let the waters calm a bit, before we try to make any real substantive changes in the system.

Senator **Nunn**. Lieutenant Grech.

Lieutenant **Grech**. Sir, again, I echo most of what has been said already and the additional point made by Captain Wilhite. The only thing I want to point out, as far as making changes, is that we have to consider the fact that the body can only take so many major operations a day, and that after a while, just the shock of it, causes it to collapse. I think that we have to make sure that we move slowly as opposed to making major changes all at once in our system.

I also want to say sir, that my feeling based on the last 4 years, is that, by far a large majority of the cadets are not living in fear of the honor code, but that in fact it is a very comfortable and comforting part of our everyday, regular life.

And I add on to what the other people have said, that the honor code has been a very important part of my life, and I am very, very happy, and I feel I am very fortunate to have had an opportunity to live under it.

Senator **Nunn**. Thank you, Lieutenant.

Lieutenant **Abcouwer**. Sir, I can only add that I am very proud and appreciative of my 4 years at West Point, most of all of living and learning under the honor code. I think the thing that adds to that the most, is the absolutism and the simplicity of the code. I am going to demand honesty and forthrightness in myself and everyone around me in my profession.

Senator **Nunn**. Thank you, sir. Colonel.

Colonel **Mead**. Sir, it looks like I am going to get the last word here, unless Colonel Buckley kicks me in the shins. I would just like to reemphasize one point that I made earlier, sir, because I feel so strongly about it. And that is whatever change we make, long-term, that the process through which we do it, is going to be as important in many ways, as a substantive change itself. I am talking about legitimacy. The way that it is originated, the way cadets respond to it, and the way that it is adapted.

I would like to take a second and say something about the lieutenants that are here today. One of the reasons that we feel very strongly about bringing young officers back to West Point as instructors is because in a classroom, they serve not only an educational purpose, but they serve as role models for the cadets that they teach. And in fact, two of these young men here are going to be back in my department some day, and that is not meant to be an advertisement, but to emphasize the fact that men of integrity and honor who are out in the Army, and then come back, also help us nurture and strengthen that same attribute in our graduates. And we feel very strongly about it.

Senator Bartlett asked if these men are representative and my answer to that would be yes, of their classes and of West Pointers in general.

Finally, sir, I would like to, on behalf of all of us, express our appreciation for your interest. I think the questions have been probing, to say the least, and they have surely made us reexamine, both our own study and our assumptions and our notions about the system, and we thank you for the reception and the attention.

Senator **Nunn**. Thank you, Colonel. Colonel Buckley, do you have any final, closing, parting remarks?

Colonel **Buckley**. I think Colonel Mead said it very well, sir. We feel that you have been very fair and at the same time we feel that we have had a good opportunity to tell you about a system that we are all very proud of and we are delighted to be able to get the facts out.

Senator **Nunn**. Well, let me express to each of you my deep appreciation on behalf of all the subcommittee for being here. I had hoped we would complete all of this in one day, but that was impossible. I know your coming back has been of some inconvenience, but you have been of immeasurable help to our subcommittee.

I might add that I would like to welcome any of you, as we proceed. Probably the hearings will last several months. We may have periods of time that we will have to wait until adjudication process is over. Nevertheless, I hope that any of you will feel free to write us or contact us with any additional thoughts you may have, both as to questions we posed or to any other testimony we may receive. We will have an open record and we certainly welcome your thoughts on any of the subjects.

I might say, as a final note, that I have felt strongly since we started these hearings, and I feel just as strongly now, that whatever emerges from this current problem at West Point, and whatever emerges from these hearings, that we cannot legislate an honor code from Washington, D.C. It has to be something, as you have all expressed very strongly, that is part of the West Point spirit, and the West Point cadets themselves, as well as the instructors, and the Army.

So we have no intention of legislating an honor code for the academies here. We hope that in a very good overall manner of perspective, we do have a role in oversight. We have a vital stake, as representatives of our constituents, in seeing that West Point, Annapolis, the Air Force Academy, the Coast Guard Academy, and others do turn out the kind and caliber of officials and officers that will help protect our national security.

So we will continue along that role. We may have suggestions to make, but we will not be legislating an honor code from Washington.

I thank all of you for being here today and if we can help you at any time, we hope you will call on us.

Thank you very much.

The subcommittee is adjourned.

[Whereupon at 1:02 p.m., the subcommittee adjourned subject to the call of the Chair.]

UNITED STATES MILITARY ACADEMY REGULATIONS CITED

USMA REGULATIONS REFERENCED IN COURT DECISIONS

Dunmar v. Ailes
348 F. 2d 51 (D.C. Cir. 1965)

"Regulation 17.13 provides generally for separations for violations of the Cadet Honor Code as follows:

> Cadets who violate the Cadet Honor Code will be separated from the Corps of Cadets. Such cadets may, at the discretion of the Superintendent, be allowed to resign, be tried by courts-martial, or be brought before a board of senior officers convened by the Superintendent to investigate the matter and to make findings and recommendations.*** If the cadet appears before a Board of Officers and the Superintendent subsequently considers his separation warranted he shall refer the case to the Academic Board. If the Academic Board, upon review of the case, recommends separation, the Superintendent shall forward such recommendation to the Department of the Army.

No provision is made for the representation by counsel of a Cadet charged with violating the Honor Code, nor is he expressly assured of any opportunity of making his views known to the Academic Board."
(at p. 53)
[See TAB F]

CURRENT USMA REGULATIONS

Article 12.14. VIOLATION OF THE CADET HONOR CODE. The Cadet Honor Code states that a cadet will not lie, c
or steal, nor tolerate those who do. A cadet who violates the Cadet Honor Code shall be separated from the Milita
Academy. (CS, 6 Sep 74)*

Article 16.03. PROCEDURES FOR COURT-MARTIAL, BOARD OF OFFICERS, OR RESIGNATION.

a. A cadet who is subject to separation or punitive action under the provisions of Article 12 of this Regulatic
except paragraph 12.16, may, in the discretion of the Superintendent, be tried by court-martial if the conduct incl
a violation of the Uniform Code of Military Justice, be brought before a board of officers convened by the Superint
or be permitted to resign in lieu thereof.

b. In the event of trial by court-martial, the action taken will be in accordance with the provisions of the U
Code of Military Justice, the Manual for Courts-Martial (U. S.), and applicable regulations.

c. If the cadet appears before a board of officers, the board shall consist of one colonel who shall be the
president and at least two other field grade officers who shall be voting members. For good cause shown, the Sup
intendent may modify the grade restriction for the members. The board will make findings with respect to the matt
under investigation and, if appropriate, will make recommendations concerning separation from the Military Acade
discharge from the Army, and the type of discharge. The board may consider the cadet's prior conduc and any par
his record of military service that it deems pertinent. The board will submit a report of its proceedings and its fin
and any recommendations to the Superintendent. The Superintendent will prepare a proposed recommendation to
Headquarters, Department of the Army. Prior to the forwarding of the case to Headquarters, Department of the Arm
the cadet concerned will be provided an opportunity to review all the relevant material in the file, including the
Superintendent's proposed recommendation, subject to security standards and questions of privilege. The SJA r vi
of the board proceedings is considered a privileged attorney-client communication, and will not be made available to
the cadet concerned. The cadet will be permitted to rebut any adverse evidence and to submit any statement or
relevent evidence he desires. His submission will be reduced to writing and incorporated into the file. The Superintendent should then reconsider his proposed adverse recommendation, in light of the submitted material, to deter
whether Secretarial action is still believed appropriate. Should the cadet choose not to submit a statement or othe
evidence, or fails to do so within a reasonable time, the completed file should reflect that fact.

d. If permitted by the Superintendent, a cadet may tender a resignation from the Academy after having been advised of the implications thereof. The resignation shall be in lieu of trial by court-martial or in lieu of appeara before a board of officers. It shall be processed as directed by the Superintendent and shall include pertinent information as set forth in Figure 2 to this Article.

e. A resignation under the provisions of this paragraph may result in the issuance of a discharge certificate under other than honorable conditions. The resignation will include a statement of counsel, as shown in Figure 2.

f. A cadet may withdraw his tender of resignation upon approval of the Superintendent until such time as it i forwarded to Headquarters, Department of the Army. Thereafter, it may be withdrawn only upon the approval of Headquarters, Department of the Army.

g. A cadet who tenders a resignation under the provisions of this paragraph may submit statements in his ow behalf. Prior to submitting the letter of resignation, the cadet concerned will be afforded the opportunity to consult with appointed military counsel, or military counsel of his own choice if he is reasonably available, or civilian counsel at his own expense. (C5, 6 Sep 74) **

Dunmar v. Ailes
48 F. 2d 51 (D.C. Cir. 1965)

"The other pertinent Regulation is .09, which describes the procedure for eparating a Cadet 'for undesirable abits or traits of character':

> When a cadet exhibits habits or traits of character which appear to render his retention at the Academy undesirable, it shall be the duty of the Superintendent to report in writing such fact to the Academic Board, with a full statement of the facts upon which his report is based. This step shall be taken with view to ascertaining the Board's recommendation as to whether such cadet shall be separated from the Academy. Any cadet so reported shall be furnished

Article 12.04. UNDESIRABLE HABIT OR TRAIT OF CHARACTER. A cadet who exhibits a habit or trait of character whi renders his retention undesirable may be separated from the Military Academy. (C5, 6 Sep 74) ***

Article 16.03. (Same as 16.03 above)

a copy of the Superintendent's report in his case, with reference to which a cadet may submit a statement in writing which shall be fully considered by the Board. Like Regulation 17.13, this paragraph contains no provision for the assistance of counsel, or for the presentation of evidence, or for cross-examination of witnesses." (at p. 53) [See TAB F]					
White v. Knowlton 361 F. Supp. 445 (S.D.N.Y. 1973) "Article 16 of the Regulations for the United States Military Academy, promulgated by the Secretary of the Army, governs separations of cadets. Section 16.04 dealing specifically with separations for Honor Code violations, provides: a) A cadet who violates the Cadet Honor Code will be separated from the Academy. A cadet who is alleged to have violated the Honor Code may, at the discretion of the Superintendent, be allowed to resign, be tried by court-martial, or be brought before a board of senior officers convened by the Superintendent to investigate the matter and to make findings. In the event of trial, the action taken will be in accordance with the provisions of the Uniform Code of Military Justice, and applicable regulations.	Article 12.14 (Same as 12.14 above) Article 16.03 (Same as 16.03 above)				

b) If the cadet appears before a board of officers, the board will make findings with respect to all alleged violations of the Cadet Honor Code by the cadet concerned, and will submit a report of its proceedings and findings to the Superintendent. A copy of the report will be furnished to the respondent, who may submit a written statement to the Superintendent.

c) The Superintendent may seek the advice of any member of his staff or the Academic Board. He will review the report of proceedings; give full consideration to any statement submitted by the respondent; and approve or disapprove, in whole or in part, the findings of the board of officers. If he approves a finding of a violation of the Cadet Honor Code, he will submit his recommendation and all pertinent documents to Headquarters, Department of the Army, for final action. In such cases, and in cases of cadets who are allowed to resign, the Superintendent will also recommend either discharge from the service or transfer to an appropriate status in a Regular or Reserve component. If discharge is recommended, the type discharge will be specified."
(at pp. 447-448)

Andrews v. Knowlton 509 F. 2d 898 (2d Cir. 1975) Quotes Article 16, USMA Regulations, at pp. 901-902; identical to Article 16 as quoted in White v. Knowlton, above.	Article 12.14 (same as 12.14 above) Article 16.03 (same as 16.03 above)

* Change 24; September, 1974, See Tabs A, D, and E
** Change 29; September, 1974, See Tabs B, D, and E
*** Change 14; September, 1974 , See Tabs C, D, and E

TAB A

CHANGE 24

Present Provision

16.04. SEPARATION FOR VIOLATION OF THE CADET HONOR CODE. a. A cadet who violates the Cadet Honor Code will be separated from the Academy. A cadet who is alleged to have violated the Honor Code may, at the discretion of the Superintendent, be allowed to resign, be tried by court-martial, or be brought before a board of senior officers convened by the Superintendent to investigate the matter and to make findings. In the event of trial, the action taken will be in accordance with the provisions of the Uniform Code of Military Justice, and applicable regulations.

b. If the cadet appears before a board of officers, the board will make findings with respect to all alleged violations of the Cadet Honor Code by the cadet concerned, and will submit a report of its proceedings and findings to the Superintendent. A copy of the report will be furnished to the respondent, who may submit a written statement to the Superintendent.

c. The Superintendent may seek the advice of any member of his staff or the Academic Board. He will review the report of proceedings; give full consideration to any statement submitted by the respondent; and approve or disapprove, in whole or in part, the findings of the board of officers. If he approves a finding of a violation of the Cadet Honor Code, he will submit his recommendation and all pertinent documents to Headquarters, Department of the Army, for final action. In such cases, and in cases of cadets who are allowed to resign, the Superintendent will also recommend either discharge from the service or transfer to an appropriate status in a Regular or Reserve component. If discharge is recommended, the type discharge will be specified.

Proposed Provision

12.14. VIOLATION OF THE CADET HONOR CODE. The Cadet Honor Code states that a cadet will not lie, cheat or steal, nor tolerate those who do. A cadet who violates the Cadet Honor Code shall be separated from the Military Academy.

Basis for Change:

Formerly in Article 16. Places the mandatory separation authority for violation of the Cadet Honor Code among substantive grounds for separation in Article 12. Restates the Cadet Honor Code. Procedures are included in proposed paragraph 16.03.

TAB B

CHANGE 29

Present Provision

16.03 (See Change 14, supra) and 16.04 (See Change 24, supra).

Proposed Provision

16.03. PROCEDURES FOR COURT-MARTIAL, BOARD OF OFFICERS, OR RESIGNATION.

a. A cadet who is subject to separation or punitive action under the provisions of Article 12 of this Regulation, except paragraph 12.16, may, in the discretion of the Superintendent, be tried by court-martial if the conduct includes a violation of the Uniform Code of Military Justice, be brought before a board of officers convened by the Superintendent, or be permitted to resign in lieu thereof.

b. In the event of trial by court-martial, the action taken will be in accordance with the provisions of the Uniform Code of Military Justice, the Manual for Courts-Martial (U. S.), and applicable regulations.

c. If the cadet appears before a board of officers, the board shall consist of one colonel who shall be the president and at least two other field grade officers who shall be voting members. For good cause shown, the Superintendent may modify the grade restriction for the members. The board will make findings with respect to the matter under investigation and, if appropriate, will make recommendations concerning separation from the Military Academy, discharge from the Army, and the type discharge.

CHANGE 29 - CONT'D

The board may consider the cadet's prior conduct and any part of his record of military service that it deems pertinent. The board will submit a report of its proceedings and its findings and any recommendations to the Superintendent. The Superintendent will prepare a proposed recommendation to Headquarters, Department of the Army. Prior to the forwarding of the case to Headquarters, Department of the Army, the cadet concerned will be provided an opportunity to review all the relevant material in the file, including the Superintendent's proposed recommendation, subject to security standards and questions of privilege. The SJA review of the board proceedings is considered a privileged attorney-client communication, and will not be made available to the cadet concerned. The cadet will be permitted to rebut any adverse evidence and to submit any statement or relevant evidence he desires. His submission will be reduced to writing and incorporated into the file. The Superintendent should then reconsider his proposed adverse recommendation, in light of the submitted material, to determine whether Secretarial action is still believed appropriate. Should the cadet choose not to submit a statement or other evidence, or fails to do so within a reasonable time, the completed file should reflect that fact.

d. If permitted by the Superintendent, a cadet may tender a resignation from the Academy after having been advised of the implications thereof. The resignation shall be in lieu of trial by court-martial or in lieu of appearance before a board of officers.

CHANGE 29 - CONT'D

It shall be processed as directed by the Superintendent and shall include pertinent information as set forth in Figure 2 to this Article.

e. A resignation under the provisions of this paragraph may result in the issuance of a discharge certificate under other than honorable conditions. The resignation will include a statement of counsel, as shown in Figure 2.

f. A cadet may withdraw his tender of resignation upon approval of the Superintendent until such time as it is forwarded to Headquarters, Department of the Army. Thereafter, it may be withdrawn only upon the approval of Headquarters, Department of the Army.

g. A cadet who tenders a resignation under the provisions of this paragraph may submit statements in his own behalf. Prior to submitting the letter of resignation, the cadet concerned will be afforded the opportunity to consult with appointed military counsel, or military counsel of his own choice if he is reasonably available, or civilian counsel at his own expense.

Basis for Change:

To provide uniform procedures for processing separations under Article 12.

TAB C

CHANGE 14

Present Provision

16.03. SEPARATION FOR UNDESIRABLE HABITS OR TRAITS OF CHARACTER. a. A cadet who exhibits habits or traits of character which appear to render his retention at the Academy undesirable may, at the discretion of the Superintendent, be tried by court-martial, be brought before a board of officers convened by the Superintendent, or be allowed to waive hearing by a Board of Officers and to resign. In the event of trial, the action taken will be in accordance with the provisions of the Uniform Code of Military Justice and applicable regulations.

b. If the cadet appears before a board of officers, the board will make findings concerning any habits or traits of character which are reported as undesirable and will make recommendations whether such cadet shall be separated from the Academy and whether he shall be discharged from the Service and the type of discharge to be furnished. The board will submit a report of its proceedings, findings, and recommendations to the Superintendent and furnish a copy thereof to the respondent, who may submit a written statement to the Superintendent.

c. The Superintendent may seek the advice of any member of his staff or the Academic Board. He will review the report of proceedings; give full consideration to any statement submitted by the respondent; and approve or disapprove, in whole or in part, the findings and recommendations of the board of officers. If he approves a recommendation that a cadet be separated, he will submit all pertinent documents to Headquarters, Department of the Army, for final action.

d. If the cadet waives hearing before a board of officers and submits his resignation, the Superintendent will submit the pertinent documents to Headquarters, Department of the Army, with his recommendations concerning separation from the Academy and discharge from the Service. If discharge is recommended, the type discharge will be specified.

Proposed Provision

12.04. UNDESIRABLE HABIT OR TRAIT OF CHARACTER. A cadet who exhibits a habit or trait of character which renders his retention undesirable may be separated from the Military Academy.

Basis for Change:

Removes separation authority for this cause from Article 16 and changes from the plural to a single habit or trait of character as a basis for permissive separation. Deletes procedural provisions, which provisions will appear in proposed paragraph 16.03.

TAB D

SUMMARY OF CHANGES IN USMA REGULATIONS, 1974

SUMMARY SHEET
(DA Memo 340-15)

	TO					FOR	
	DCSOPS		CORC		CLL	1,2,3,4	APPROVAL
	DCSPER		ACSFOR	2	~~General Counsel~~		SIGNATURE
	DCSLOG		ACSI	[illegible]	[illegible] BWF.		COORDINATION
	COA		ACSC-E	4	SECRETARY OF THE ARMY		
	CRD		TAG	3	A SOF A (M&RA)		

FROM
AGENCY: DCSPER
TELEPHONE: 74695
CONTACT OFFICER: LTC Skidmore

REFERENCE SYMBOL: DAPE-MPO-R
SUBJECT: Revision of USMA Regulations
DATE: 23 AUG 1974

IMPLICATIONS (Implications checked are involved in this action, are discussed below or in a separate inclosure, and have been considered in final recommendation.) ☐ ARMY PROGRAM ☐ MANPOWER ☐ SECURITY ☐ CONGRESSIONAL ☐ BUDGET ☒ PUBLIC RELATIONS ☒ MORALE ☒ LEGAL ☐ NONE

PURPOSE: The purpose of this summary sheet is to submit proposed changes to the Regulations for the United States Military Academy for approval by the Secretary of the Army.

DISCUSSION:

1. Regulations for the United States Military Academy are promulgated by the Secretary of the Army. All previous changes have been personally approved by the Secretary via summary sheet action.

2. The Superintendent, USMA, recommended 31 changes to the regulations for the United States Military Academy (TAB A). The impact of recent court decisions has prompted reexamination of the current basis for and methods of administrative separations of cadets. The review has resulted in recommended changes to the USMA regulations to insure clarity, authority, and uniform procedures for processing administrative separations. The changes involve the following (TAB A provides a brief description):

a. Change 1 amends existing wording of present provision 3.06(b) concerning determinations by the Academic Board, to indicate revised references in the Regulations.

b. Change 2 concerns para. 5.15(b) and broadens the policy against reappointment or readmission of cadets. It also changes the term "Aptitude for the Service" to "Leadership."

c. Changes 3, 8, 9, 10, 11, 12 and 13 merely change the term "Aptitude for the Service" to "Leadership" in various provisions of Regulations, USMA.

d. Change 4 - Local procedures relative to conditioning cadets in Physical Education were recently changed to authorize the Commandant to condition cadets of doubtful proficiency in PE without reference to the Academic Board. Since a "condition" presupposes a finding of "deficiency" which can be made only by the Academic Board, the current procedures are not in accord with present regulations. To accomplish the same purpose, but retain control of deficiencies in the Academic Board, Change 4 proposes to give the Academic Board the power to authorize the Commandant to "provisionally continue" cadets of doubtful proficiency in Physical Education.

e. Change 5 would provide a new authority to deny academic credits during certain periods to a cadet who is separated from the Academy for causes other than deficiency in academics, conduct (demerits), or leadership, or for medical reasons.

409

CS 351 (23 Aug 74)

DAS FORM 28, 1 AUG 69 REPLACES EDITION OF 1 APR 65 WHICH WILL BE USED UNTIL EXHAUSTED

DAPE-MPO-R
SUBJECT: Revision of USMA Regulations

f. Change 6 concerns membership of the Academic Board Class Committee allowing membership to include heads of departments concerned with that class and such other members as the Academic Board may designate.

g. Changes 7 and 8 change the current provisions concerning deficiency in conduct and leadership to provide that those cases are reported to the Academic Board by the Commandant rather than the Superintendent.

h. Changes 14-27 pull together into Article 12 all grounds for administrative separation of cadets except academics, conduct, leadership and medical. They also list certain new grounds for separation such as sexual misconduct, indebtedness, criminal conviction, and the commission of a major disciplinary offense.

i. Changes 28-31 are revisions of certain paragraphs in Article 16 relating to resignations and procedures for administrative separations, including sample formats for letters of unqualified resignation and resignation in lieu of court-martial or appearance before a Board of Officers.

3. DA staff comments on the USMA submission were coordinated with the Superintendent, USMA, who concurs in the proposal which is now submitted.

4. At TAB B is a copy of the current Regulations for the United States Military Academy.

RECOMMENDATION: The proposed changes (TAB A) of the Regulations for the Military Academy be approved.

COORDINATION:

OGC Berry 8/14, 53/5
ASA (M&RA) [illegible]
CINFO Robert B. Sikman, COL,GS,Ch,PPD,73447
JAG JAG-Concur-Col J. N. TENHET, CH,AD LAW Div. 53314

Bernard W. Rogers
BERNARD W. ROGERS
Lieutenant General, GS
Deputy Chief of Staff
for Personnel

Recommend Approval:
For the Chief of Staff by DCSPER

BERNARD W. ROGERS
Lieutenant General, GS
Deputy Chief of Staff
[illegible]

2 Incls
TAB A - Proposed Changes
TAB B - Present Reg, USMA

Recommend Approval - OASA (M&RA)
Date 28 AUG 1974

Paul D. Phillips
Paul D. Phillips
Acting Assistant Secretary of the Army
(Manpower and Reserve Affairs)

TAB E

Memorandum by Lieutenant General William A. Knowlton, Superintendent of the U. S. Military Academy, concerning 1974 proposed revision of USMA regulations.

OFFICE OF THE SUPERINTENDENT
UNITED STATES MILITARY ACADEMY
WEST POINT, NEW YORK 10996

MAJA 28 February 1974

SUBJECT: Proposed Revisions to Regulations, USMA

Lieutenant General Bernard W. Rogers
Deputy Chief of Staff for Personnel
Department of the Army
Washington, D. C. 20310

1. The recent and on-going federal court litigation in the area of administrative separations of cadets has prompted this Headquarters to reexamine the current bases for, and methods of, such separations. Many of the grounds for separation are of long standing and are deeply-rooted in tradition. The substance of all these provisions deserves to be continued in regulations, but many need technical amendment to conform to legal requirements or current practice. In the case of others, experience has shown them to be inadequate to cover certain situations and, as a result, new specific grounds are needed to insure clear and express authority for these types of separations. There also exists a need for uniform procedures for processing separations of this nature.

2. Attached are proposed changes to Regulations for the United States Military Academy designed to satisfy these and other related requirements. The basis for each proposed change is set down immediately following the change. The Academic Board has concurred in those provisions that directly affect its functions.

3. Request approval be obtained for promulgation of the changes by authority of the Secretary of the Army.

William A Knowlton
WILLIAM A. KNOWLTON
Lieutenant General, USA
Superintendent

Incl
as

TAB F

USMA Regulations 9.09 and 17.13 were revised at some time between 1965 and 1973, resulting in Regulations 16.03 and 16.04, which in turn remained in effect until September, 1974. It should be noted that the substantive result of the revision of Regulations 9.09 and 17.13 was the elimination of the requirement that the Superintendent report to the Academic Board his finding that separation of a cadet was warranted by reason of violation of the Honor Code or exhibition of undesirable character traits or habits, and the review of such matter by the Academic Board prior to the forwarding by the Superintendent to the Department of the Army of a separation recommendation. However, the elimination of this review procedure does not bear upon the issue of substantive and procedural due process in the initial consideration by a court martial or board of officers of allegations concerning a cadet. Materials documenting the rationale for revisions of former Regulations 9.09 and 17.13, which may have occurred a decade ago, cannot be located.

UNITED STATES MILITARY ACADEMY
WEST POINT, NEW YORK 10996

MADN-C 23 May 1975

SUBJECT: Report of Superintendent's Special Study Group on Honor at West Point

Superintendent
United States Military Academy
West Point, New York 10996

1. **MISSION.**

a. The Superintendent's Special Study Group on Honor at West Point was chartered by the Superintendent's letter dated 9 October 1974 which charged the Study Group "to conduct a fundamental study and review of the West Point Cadet Honor Code and System in order to determine how they can be strengthened and improved, and honor continued as the keystone of the ideals of West Point." The Study Group was further directed to "recommend such modifications and changes it considers necessary to strengthen and improve them" [the Cadet Honor Code and System] and to "include plans for implementing any proposed modification or changes." The Superintendent addressed the Study Group during its first plenary session on 17 October 1974 and directed that the Study Group should examine and challenge all tenets and facets of the Honor Code and System and to consider nothing sacrosanct or above question.

b. In response to its charter, the Study Group analyzed the salient features of the Code and System in the light of traditional expectation, actual perceptions, and ultimate viability. In its analysis, the Study Group acknowledged that the Honor Code is articulated in the simple phrase that a cadet will not lie, cheat or steal, nor tolerate those who do; the Code is distinct but not separate from the Honor System in that the latter describes the manifold applications and principles of the more general and philosophical Code. The Study Group's subsequent investigation encompassed five general areas that include the variety of topics and ideas specifically cited in the Superintendent's charter letter. These general areas are:

(1) Historical Development of the Code and System.

(2) Purposes of the Code and System from the perspectives of both cadets and officers.

(3) Attitudes regarding the Code and System of cadets and officers, the Army, and the public.

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(4) Related experiences at the United States Naval Academy (USNA) and the United States Air Force Academy (USAFA), and at selected civilian universities.

(5) Legal and judicial influences.

Within each of the specified areas, the Study Group directed its attention not only to the philosophical bases of a particular institution or tenet, but also to the more mundane aspects of the day-to-day functioning of the Code and System. The range of examination in the aforementioned general areas included the principles, procedures, and problems in the administration of the Code and System with emphasis on the following:

(a) Practical and ideal considerations of scope.

(b) Application and enforcement of both explicit and implicit policies.

(c) Reporting and processing of suspected violations.

(d) Sanctions, and considered alternatives.

2. ORGANIZATION.

a. The Study Group membership included a balance of cadets and officers, and the general organizational principle was that each component of the Study Group's internal structure reflected that cadet-officer mixture.

b. The Study Group's effort was divided into generally two phases, and the Study Group reorganized internally during both phases. However, the general supervisory functions of the Study Group were handled by a steering committee of the following composition:

(1) Co-Chairmen

COL Harry A. Buckley, Jr., IN, OML
CDT William J. Reid, '75, Co. G-1

(2) Directors of Research and Analysis

COL Dana G. Mead, PROF, Soc Sci
LTC John L. Palmer, OD, Engr

(3) Secretariat

MAJ David A. Bramlett, IN, Engl
CDT Richard J. Pevoski, '75, Co. D-4

c. The initial phase was concerned with research into the areas of interest promulgated in the mission, and the Study Group's internal organization reflected that research orientation. The five Research Committees and their composition during the first phase were:

(1) Historical Development Committee

*CPT Harold L. Wilhite, Jr., FA, Math
CDT David J. Rehbein, '75, Co. I-4
CDT John E. Grech, '76, Co. H-1

(2) Purposes Committee

*MAJ Iain Reilly, SC, TAC
CDT James Abcouwer, '75, Co. A-1
CDT Lonnie Keene, '76, Co. D-3

(3) Attitudes Committee

*MAJ Eugene S. Andrews, IN, OML
CPT John H. Abrams, AR, OMI
CDT Daniel W. Krueger, '75, Co. B-3
CDT Robert E. Johnson, '75, Co. B-2
CDT Charles R. Layman, '76, Co. F-4
CDT Volney J. Warner, '76, Co. A-1

(4) USMA/USAFA Experience

*MAJ Gordon A. Clarke, EN, Mech
CPT Ben L. Anderson, Jr., IN, Fgn Lang
CDT Darryl Harris, '75, Co. B-2

(5) Legal

MAJ Daniel W. Shimek, JA, Law

*Denotes Committee Chairman

The USMA/USAFA Experience Committee added two members, CDT Steven Guthrie, '75, Co. D-2, and CDT Steven Stacy, '75, Co. A-1, to assist in canvassing the experiences of other prominent colleges and universities.

d. The second phase was concerned with the review and analysis of those special problems or areas of consideration detected in the initial research phase. The Study Group reorganized during this phase into committees oriented to the investigation of certain key questions or problems. The Review and Analysis Committees and their areas of analysis were:

(1) Discretion/Sanctions Committee

*MAJ Andrews
MAJ Reilly
CPT Anderson
CDT Layman
CDT Krueger
CDT Keene

(2) Familiarization/Education Committee

*MAJ Clarke
CPT Abrams
CDT Harris
CDT Johnson
CDT Warner

(3) Procedures/Due Process Committee

*CPT Wilhite
MAJ Bramlett
CDT Rehbein
CDT Grech
CDT Pevoski

(4) Members at Large

MAJ Shimek
CDT Reid
CDT Abcouwer

*Denotes Committee Chairman

This latter organization was a logical outgrowth from the initial organization as the members were assigned based on their expertise and interest generated in the research phase.

e. Late in the second phase, the co-chairmen directed that an adjunct committee be formed essentially from resources outside the Study Group to investigate radical alternatives to the existing structure of the Cadet Honor Committee and its concomitant functions. This Structural Modification Committee was composed of the following individuals:

MAJ John H. Darrow, IN, OML (Chairman)
MAJ Daniel W. Shimek, JA, Law
CPT Richard H. Sinnreich, FA, Soc Sci
CPT Richard W. Thoden, AD, Mech
CDT William E. Andersen, '76, Co. F-1
CDT Paul T. Migaki, '76, Co. B-2
CDT George B. Thomson, '76, Co. C-4

3. METHODOLOGY.

a. During the research phase the Committees of the Study Group exercised an appropriate degree of autonomy in their respective efforts. The Committees gathered information with a two-fold purpose: to accumulate and preserve a store of accurate information on the history and functioning of the various facets of the Code and System, and to identify those areas of consideration that might warrant change or elimination under the guidance inherent in the

Superintendent's charter letter. In pursuit of this goal, the Committees researched existing files and archives, conducted interviews, solicited comments from individuals and agencies outside the Academy, employed comprehensive questionnaires, and compiled a record of the information gathered. Though the Committees generally operated independently during this phase, they frequently collaborated on the use of material gathered in questionnaires and interviews. During the period, the Study Group met in four plenary sessions in which the Research Committees provided updates on their work in progress. At the conclusion of this phase all Committees prepared reports on their efforts. (ANNEXES A, B, C, D)

b. The second phase was essentially an exercise in analysis and recommendation. The newly constituted Committees systematically and thoroughly analyzed the areas of concern identified in the research phase and prepared recommendations on how best to resolve these apparent or real problems. These recommendations also included suggested programs and methods by which the changes could be implemented. The Committees presented their proposed recommendations and programs of implementation in quorum sessions to gain an appreciation of the consensus view on each matter. The three Committees presented on three consecutive days, and the proposals were subject to open debate and subsequent clarification or modification. Based on the results of the quorum sessions and the guidance of the Director of Analysis, the Committees prepared drafts of their final recommendations. These final, written recommendations were circulated to the entire membership; each member was required to concur or non-concur on every substantive recommendation. Based on this response, the Steering Committee identified those recommendations that received appropriate consensus support.

c. The final report reflects the two phase effort of the Study Group. The research annexes are records of various facets of the Code and System and were prepared by the appropriate Committees. The second phase, the analysis and recommendation phase, produced the Study Group's considered recommendations on ways to strengthen and improve the existing Code and System. These final recommendations were prepared by the Committees which drafted the preliminary proposals for quorum consideration. (ANNEX E)

d. The Structural Modification Committee prepared a report of its deliberations and findings. Since this Committee was formed late in the Study Group's effort, the entire Study Group was not privy to the research and analysis of the adjunct committee. However, the Steering Committee of the Study Group was briefed on the substance of the Committee's material. The Committee's findings are reported at ANNEX F and should be considered as an alternative view to a specific component of the Cadet Honor Code and System. (ANNEX F)

4. PHILOSOPHICAL ISSUES. This Study Group was charged with conducting a "fundamental study and review of the West Point Honor Code and System." In the process the assumptions upon which the Code and System are based, the many related implications that the Code and System have for both the individual and the institution, and the primary perceptual variations of the nature of the Code and System were in varying degrees discussed, debated, and analyzed. However, the necessity of producing specific recommendations and the boundless

array of imponderables associated with ethical philosophy caused the Study Group to focus its principal attention on pragmatic issues. These pragmatic issues are addressed by a series of recommendations put forth in the balance of the report. The complex philosophical issues that were, in varying degrees, identified are briefly discussed below. Many of these matters bear further consideration.

a. Honor Code. The USMA Honor Code is a clear and simple statement of an unattainable level of human behavior. It is an idealistic code and not a picture of reality. In a meeting at ~~West Point~~ Washington DC on 1 October 1974, the Secretary of the Army expressed apprehensions concerning the Honor Code. His views were summarized by General Berry, the Superintendent, as follows:

> West Point Honor Code does not equip the USMA graduate to deal with the "realities" of today's world. It is "too idealistic, too absolute." "Cadets are kicked out of USMA for actions considered 'honor violations' when junior officers would suffer no penalty for same action."

The paradox that such a Code poses is not new but is becoming increasingly apparent and more often debated by cadets, officers, external critics, and observers. It is unrealistic to assume that anyone complies fully with the prescriptions of theCode, yet the System is keyed to righteously imposing the ultimate sanction on a cadet whose transgression of the Code comes to its attention. In its discussions, the Study Group came to recognize that by removing the facade of a decision that a man is honorable or dishonorable based on the commitment of a specific transgression, judgments will be necessary that will lack the simplistic purity they have had in the past. But this is the nature of human affairs and cadets should not be encouraged to believe otherwise; men are not simply honorable or dishonorable, but fall all along the continuum between these two positions. While the Code is unrealistic as a prediction of human behavior, anything less than this statement of absolutes would be unworthy as a goal of moral conduct for this institution and the Army Officer Corps. Captain Wesley K. Clark in an unpublished paper entitled "The West Point Honor Code: Preparation for a Profession" eloquently expresses a position similar to that of the Study Group.

> Of course, this reconciliation of an absolute code with an imperfect world requires considerable judgment. But it remains the fundamental assumption of the West Point Honor Code that only deep respect for the absolute principles of honesty can prepare men to make those judgments. In short, men must know the absolute principles of honesty in order to apply them situationally in the real world. These absolute principles are embodied in the Cadet Honor Code. And, as described above, the development of judgment in the application of honor runs throughout the maintenance of the Honor Code and System at West Point.

In summary, the idealistic USMA Honor Code deserves to be retained, but it must be recognized as a goal rather than an actuality.

b. Toleration. The Honor Code contains another issue that causes it to be philosophically hard to digest by American society in general and, to a degree, by the Army Officer Corps. The Code specifies that there will be "no toleration" by the Corps of these who violate the Honor Code. This runs counter to the general ethos expressed frequently as "I am not my brother's keeper" or "One does not report his friends." At a recent conference at the Command and General Staff College on officer responsibility, the implications of "no toleration" caused heated discussion and wide dissension. Though fully aware of the contranormative aspects of the non-toleration clause, the Study Group does not propose that it be changed. It serves an essential purpose by making the honor system a viable, meaningful force in the life style of the Corps of Cadets.

A "Committee to Prepare a Document for Cadet Use Relating to the Honor Code" chaired by Colonel Thomas Fitzpatrick discussed the non-toleration clause of the Cadet Honor Code in the following terms. The Study Group subscribes to this point of view.

> The non-toleration clause of the Cadet Honor Code is a vital element of that Code. It gives teeth to the Honor System that placed the Code in action. Among other things the clause requires one to place loyalty to integrity above other loyalties, other desires, other temptations. It requires a cadet to police not only himself, but also others. It requires him to value integrity more than friendship or close association. It requires him to act in response to a higher loyalty, a loyalty which must be preeminent over individual desires, friendships, or considerations of personal advantage. Certainly these are critically important aspects of the leadership development process by which the Military Academy seeks to develop its graduates for service in the Army or in other fields of public life wherein the toleration of breaches of integrity often can lead to grave consequences. Finally, it takes into account the fact that non-toleration of integrity violations is a fact of life in the Army and therefore should be a fact of life also at West Point. Certainly non-toleration is difficult. Certainly it may appear to the uninitiated to be unreasonable . . . too much to expect. Certainly it requires one to place loyalty to integrity above other loyalties. In fact, these certainties which describe the difficulties testify simultaneously to the strength of this aspect of the Code, and signal the overriding importance and need for absolute belief in and support for non-toleration throughout the Corps of Cadets.

c. Proprietorship of the Honor System. The Honor Code is one of West Point's most cherished possessions but it is a hollow dictum unless the system that supports it achieves cadet invovlement and commitment. Educational journals have recently pointed up that this hypocrisy is precisely the case at too many American institutions of higher learning. Many schools have honor codes but very few have operating honor systems. Graduates, faculty members, and the Corps of Cadets are all very sensitive to the issue of proprietorship. However, this sensitivity has, to a degree, clouded the issue. The Honor System is, in fact, an institutional system. Authorities at all levels are involved in its operation and the Superintendent is clearly held responsible for its implementation. Acceptance and open admission of this fact need not disturb the time honored commitment to an ethical goal on the part of the Corps of Cadets. They must accept that, as with many systems at USMA, they have freedom of decision and action within institutionally prescribed parameters. Clarification of both the role of the institution and the Corps will, in the view of the Study Group, strengthen the system rather than threaten it. The concerns of the American people reflect another aspect of proprietorship. The Cadet Honor Code and System have received close scrutiny in the recent past from a variety of external sources, to include the courts, the press, and congressional interest. These sources are external only in the sense that the Code and System do not immediately impinge on them, but they are not external in the sense that their interest is appropriate, sincere, and generally constructive. Given the legal and philosophical bases of USMA, external agencies will continue to examine and evaluate particular and peculiar aspects of the Military Academy. The Academy must be receptive to constructive, even naive, commentary in the area of the Cadet Honor Code and System from external agencies.

d. Honor Mystique. The system that supports the West Point Honor Code has traditionally been cloaked in mystique. This is partially a result of the subconscious concern that open discussion would expose the paradox inherent in the Honor Code and make more difficult the judgments that confront the Cadet Honor Committee. The mystique has, to a degree, concealed from the Corps of Cadets the fact that the Honor Committee devises and modifies its charter, that individual members of the Honor Committee have inserted a degree of discretion in their findings by votes of "Not Guilty," that operational interpretations of the Honor Code vary widely and are modified frequently without the benefit of any regularized process, and, finally, it has fostered a perception that both the Code and the System are the sole property of the Corps of Cadets and are essentially a part of the West Point scene with little relation to the Army or the total society. Although the trend of events is clearly moving toward a more open system, the Study Group notes that to some extent exposure will be a threat to the Honor System because the System has relied on mystique to cloak the very many issues and difficult judgments involved in prescribing and enforcing a system of ethics. In the long run, however, open discussion will expose faulty procedures, will clarify perceptions, and, most important, will provide for the learning and the development of character required by the mission assigned USMA. The very existence of the

Superintendent's Special Study Group has begun a process of exposure that needs to be continued and amplified. Certain specific recommendations toward that end are included in this report.

e. Application of the Honor Code. Although the Honor Code is a worthy goal, it is not a usable criterion of behavior. It has therefore been necessary for the System to specify in greater detail those acts that constitute honorable or dishonorable behavior. Traditions, norms, and legalisms are used to make hazy distinctions between those behaviors that are acceptable and the unacceptable forms of lying, cheating, stealing, or toleration. As cadet life has become vastly more complicated, the number of situations demanding interpretation and legalistic decisions have so multiplied that there are relatively few solid points of consensus, and there are numerous areas left open to self-serving rationalizations. The inevitable drift is toward an increasing listing of specifics. This trend tends to obscure the spirit of the Code and exacerbate the conflict that cadets conjure up between honor and regulations. The plagiarism issue, abuse of library facilities, sign out procedures, and numerous other aspects of cadet life have necessitated interpretation and reinterpretation. This leads to irritations that are particularly noticeable in the views expressed by members of the staff and faculty who tend to apply theCode more generally and are less aware than the cadets of the nuance, precedent, and the norms related to a given situation. A related factor leading to tension and differing perspectives between faculty and cadets is the constant concern among the latter that they will be judged by those not familiar and sympathetic with cadet interpretations and the specific strains of cadet life. The survey conducted by the Study Group indicates that the difference in perspective is real. These matters are not unique to the Honor System. They plague other human systems as well. The Study Group joined all others who have entered this arena in noting this philosophical issue and in wishing that it could be simply resolved. However, the only substantive proposals for resolution are in terms of enhanced educational programs for both cadets and the staff and faculty and for organizational and systemic adjustments within the Honor System.

f. West Point Honor and the Army's Professional Ethic. In its discussions, the Study Group noted that there has been continuing propensity to talk of "West Point Honor" and to adapt the Honor System to the Corps of Cadets and the Military Academy as an end rather than as a means of developing effective Army officers. Whereas both graduates and cadets will generally agree that the West Point Honor Code is and should be a part of the professional ethic of the Officer Corps, there is considerable tendency to argue that it bears major modification when applied outside the West Point environment. As previously discussed in this section, the Code is an ethical goal and cannot be treated as a criterion of behavior. Nonetheless, it is a goal suitable for the entire professional life of a military man and is a goal to which he should aspire in the challenging environments outside the Academy as well as in the training period of his cadetship. The system that supports the Honor Code must be treated as a developmental process; it should point toward the appreciation and dedication to the ethical values embodied in the Code regardless of circumstances. The tenets of the Honor Code are far more universal than the

Corps of Cadets, and the simple phrasing of the Cadet Honor Code is echoed in numerous honor concepts throughout the country and particularly in the implicit understanding of a commissioned officer's professional morality or ethic. The Cadet Honor System is the particular and specific application of the Honor Code in the peculiar society of the Corps of Cadets. The Cadet Honor System is the discreet component of the Code and System as it is only operative on the members of the Corps of Cadets. The Honor Code is applied differently in the Army at large--the resultant Honor System is far less definitive or exact. Nonetheless, the Honor Code is still the informing principle of the daily ethical conduct of the Officer Corps, and thus this same Officer Corps shares with cadets an abiding interest in the preservation and maintenance of the Honor Code.

g. Sanctions. Regulations USMA (12.14) provides that a cadet who violates the Honor Code shall be separated from the Academy. The inflexible application of such an extreme sanction in conjunction with an idealistic code is certain to place considerable strain on a human system. A member of the faculty described this strain in his reponse to his honor survey promulgated by the Study Group:

> It seems to me that a great many of our current difficulties with the Honor System--both in its internal application and its external justification--flow directly from the uniquely total sanction imposed for every proved offense regardless of circumstances! Because conviction automatically implies dismissal, the Honor Committee is reluctant to make the hard judgment of motive intrinsic to a violation of honor (as opposed to a violation of regulations). For the same reason, there is unremitting pressure to refine the nature of honor offense in order to minimize the scope (hence necessity) for judgment, with the result that essentially procedural distinctions are allowed to obscure the principles at issue in an honor case. Finally, automatic dismissal for a violation makes the system vulnerable to external criticism and legal challenge by those who feel, rightly or wrongly, that a single "little" lie is insufficient excuse for altering a man's entire life at considerable expense to the taxpayer.

This report will include a recommendation for a procedural modification at the Cadet Honor Board level that will provide for a modest degree of discretion in the application of the total sanction. The Study Group discussed but did not resolve the possible adaption of a system of scaled sanctions. However, it appears that a change from "shall" to "may" in the wording of the appropriate USMA Regulations could provide the basis for a solution of this problem. With this change a 15-6 Board (presently titled "Officers' Honor Board") would be able to recommend to the Superintendent that he take some action other than separation in the case of an established honor violation. Hopefully, such an adjustment would strengthen the non-toleration concept, would reduce the tendency to restrict the application of the Honor Code, and would provide for enhanced appreciation of the spirit of the Code.

5. SUMMARIES OF RESEARCH COMMITTEES' WORK (First Phase Effort). The following short resumés of the various research committees' annexes suggest the general and specific nature of each respective committee's work and the overall scope of the Study Group's examination.

a. HISTORICAL DEVELOPMENT. The history of the Code and System reveals a record of frequent changes, both in policies and practices. The following is a brief summary, by sections, of the pertinent material gathered by the Historical Development Committee. (ANNEX A)

(1) General Background. The Honor Code was derived from the "Code of Honor" of the officer corps of the late 1700's and has been in existence in one form or another at USMA since the Academy's inception. Captain Sylvanus Thayer, Superintendent, 1817-1833, zealously stressed the Honor Code and is credited with elevating the Code to its traditionally lofty position in the perceptions of cadets and graduates. The initial formalization of the Honor System came with the formation of the Vigilance Committee in the late 1800's. The Vigilance Committee became the cadet-designated body to hear questions of honor and deal with violators of the Code, though its activities were generally not sanctioned by the Tactical Department. The Honor System was finally formalized by BG Douglas MacArthur, Superintendent in AY 1921-22, who officially recognized the Honor Committee. By the mid-1920's, the Honor Code and System were firmly established as integral parts of the total USMA training program.

(2) Development of the Statement of the Honor Code. The Honor Code had its origins in the "gentleman's code" popular in the officer corps of the Army of 1802. After influence by Thayer and other early Superintendents, the Code was reduced to the fundamental tenet that a cadet does not make false statements. In 1907, the Superintendent unilaterally directed that cheating in the classroom be prohibited under the Code. Though stealing had been mentioned at least once as part of the Code in the 1800's, it did not become part of the official statement of the Code until the 1920's. Non-toleration of Honor Code violators was not made an official part of the statement until 1970, though the concept of non-toleration was an implicit and enforced aspect of the Code for a considerable preceding period.

(3) Dealing with Suspected Violators.

(a) Purpose and Structure of the Honor Committee. The Honor Committee, given official recognition in AY 1921-22 by BG MacArthur, initially consisted of twelve company representatives and a Chairman. Initially, the domain of the Honor Committee included "all matters concerning the welfare of the Corps," but the scope was quickly reduced solely to matters of honor. The Committee was to "keep alive the principles of the honor code" and to report violators of the honor code to the Commandant. Since its inception, the Honor Committee has worked almost completely independently of direct officer involvement. Though there have been subtle changes in the Honor Committee's purview, the purpose and structure of the Committee have remained essentially unchanged since the late 1920's.

(b) Jurisdiction. Prior to 1958 cases discovered by cadets were dealt with by the Honor Committee, and cases discovered by officers were handled by UCMJ or administrative board action, though there were isolated exceptions to both general policies. In 1958 a few officer-reported cases were referred to the Honor Committee, and finally in AY 1963-64 the policy that all suspected honor violations would be heard by the Honor Committee was instituted. That policy is still in effect.

(c) Processing a Case. With the exception of the years 1946-58, suspected honor violations have been processed by the Honor Committee essentially as they are now.

(d) Criteria for Guilt. Though there have been a few exceptions, the philosophy of most Honor Committees has been that "intent" is a necessary condition to establish the commitment of an honor violation. The issue concerning the physical domain of where the Honor Code applies was not formally addressed until the 1950's, and the question was finally resolved in 1960 with the official policy that the Code and System are binding on the cadet wherever he is.

(4) Discretion. Although official versions of the Honor Code indicate that "second chance" or discretion did not exist in the 1920's and 1930's, statements by Chairmen of the Honor Committee during that period do not substantiate this official position. After 1940 indications are that discretion as a general philosophy ceased to exist. Discretion for Fourth Classmen in New Cadet Training became a separate issue in the 1950's, and in 1959 it became policy to exercise discretion for the New Cadet in the event it was determined that he did not have a complete understanding of the Code.

(5) Honor and Regulations.

(a) Honor to Enforce Regulations. This issue has been contested consistently throughout the development of the Honor System. Periodically, Honor Chairmen recommended the reduction of the mass of "poop sheets" delineating the Honor System and a return to a simplistic adherence to the "spirit" of the Code. However, nothing substantial was accomplished in the direction of reducing the complexity of the System until 1963-64, when the System was significantly simplified.

(b) The "All-Right". The "all-right" originally covered the Five Points: limits, hazing, narcotics, liquor, and gambling. Even though protestation of using honor to enforce regulations was vehement elsewhere, this five point "all-right" survived until 1963-64, when it was reduced to limits only.

(c) "Bedstuffing". "Bedstuffing" is an example of an issue which has straddled the fence between honor and regulations. The domain under which it has been considered changed in 1928, 1932, 1938, 1948, 1956, and 1963.

(6) Toleration. Almost uniformly, Bugle Notes, Howitzers, Regulations USCC, Honor Committee SOP's, and other formal description of the Honor Code

have indicated that non-toleration is an implied part of the Code. Honor Chairmen corroborate this position, but a few go on to say that enforcing this part of the Code would have been quite difficult. The question, then, is the degree to which each individual cadet adhered to this "non-toleration" philosophy.

b. PURPOSES. The Commandant of Cadets in a memorandum to the Chief of Staff on 22 October 55 succinctly summarized the purpose of the Code and System at USMA.

> The development of character and integrity in the members of the Corps of Cadets is the primary mission of USMA. The Cadet Honor Code and System is officially recognized as a primary means by which this character development is accomplished.

In fact the stated purpose of honor has undergone very little change throughout the history of USMA. The Code, as distinct from the System, has been changed from a relatively informal understanding in earlier times to a comparative formal statement with the addition of cheating and toleration as attributes of dishonorable men. Attempts to guage the attitudes of the Corps with regard to the purpose of the Code and System have yielded valuable information on cadet perceptions. (ANNEX *)

(1) 1970 Study by Office of Institutional Research (OIR). This earlier survey which used data from the First Class Questionnaires in 1960-63 and a survey conducted of all classes during Reorganization Week in 1969 resulted in the following conclusion:

> Cadet Attitudes toward the Honor Code and System at USMA are very high at the present time. A steady decline had been noticed from 1957 to 1963 suggesting that the concept was falling into disfavor. The Classes of 1969 to 1973 have completely reversed the negative slide and the opinion of cadets have [sic] risen again, to the level of the 50's.

(2) 1974-75 Survey. This survey used questionnaire and interview to gather information from a population of cadets and staff and faculty at USMA. The essential questions and a brief summary of the collective responses reflect a general correlation of officer and cadet views, but with significant deviations.

(a) WHAT IS THE PURPOSE OF THE CADET HONOR CODE? Both cadets and officers agree that the Code is to provide an ethical standard in preparation for officership, and to develop personal integrity in the individual; however, the groups do not agree on the efficacy of the System, in that many cadets identify the System as a method by which regulations are enforced.

(b) DOES USMA ACCOMPLISH THE ABOVE (FULFILL THE EXPECTATIONS OF THE PURPOSE)? Officers and cadets agree that honor does accomplish its purpose at USMA, but the officers have some reservations about it being as effective as it has been in the past.

(c) WHAT IS THE PURPOSE OF THE HONOR SYSTEM AS APPLIED TO THE HONOR CODE? Cadets generally see the need for the Honor System, but many nevertheless resent it in the belief that the Code belongs to them and the System to the officers. Officers on the other hand see the System as the method by which the Code is taught and as the pragmatic way in which the ideals of the Code can be enforced. All officers interviewed believe the Code belongs not only to the cadets but also to the officer corps.

(d) WHAT CHANGES IN THE BASIC PURPOSE AND/OR ADMINISTRATION HAVE YOU DETECTED BETWEEN YOUR FIRST UNDERSTANDING OF THE CODE AND THE PRESENT TIME? Cadet responses fall into two major categories. The first believes that a high degree of honor was instilled during New Cadet Training but eroded after joining the Corps. The second group believes the administration of the Code is improving through better understanding. The officers observed four main differences. They detect a cadet attitude in which the cadet viewed the system as akin to regulations, e.g., "catch me if you can philosophy." The second difference is the increased bureacracy of the system which tends to gain greater emphasis than the spirit of the Code itself. This is believed due to the external pressures placed on it by the lawyers/courts. The third difference is that peer ties and friendship are more important than honor. The final observation is that officer intervention through boards and pressure has weakened the System.

(e) DOES THE NON-TOLERATION CLAUSE CONTRIBUTE TO THE CODE? A majority of the cadets believe the non-toleration clause is effective and should not be changed. Another segment believes that it curtails involvement because the penalty of separation is too harsh, although they believe in non-toleration with some modifications. A final percentage believes the non-toleration clause is useless and should be eliminated. A significant majority of the officers believe the clause contributes to Code.

(f) IS THERE A RELATIONSHIP BETWEEN HONOR AND REGULATIONS? Cadets agree that honor should not be used against a man to enforce regulations; though the cadets concede that this occurs rarely, they vigorously protest what they perceive to be an informal abuse of the relationship between honor and regulations. Most of the interviewed cadets express satisfaction with the formal link of honor and regulations as presently practiced, e.g., the absence card. Seventy per cent of the officers believe there is a relationship between honor and regulations, but there is no consensus on what the relationship is.

(g) IS THERE A RELATIONSHIP BETWEEN HONOR AND DUTY? Both groups overwhelmingly agree that there is a distinct relationship between duty and honor. They believe that honor and duty are almost inseparable. A general consensus is that a man must do his duty honorably.

(h) IS THE HONOR CODE RELEVANT TODAY? Both groups answer "Now more than ever."

(3) General.

(a) The prescribed institutional view of the purpose of honor at West Point and the actual working level view of the purpose of honor appear to be in accord, though there are problem areas. The administration of the Code through the Honor System is undergoing strain from external sources, such as formal judicial investigation, and from internal uneasiness, generated in part by a growing cadet perception that the Honor System is used to enforce regulations. Additionally, many officers contend that USMA is not accomplishing its mission of developing character and integrity through the Honor System as effectively as in earlier periods.

(b) Although the non-toleration clause is the most troublesome item for cadets within the Code, a majority of both cadets and officers support the principle. Likewise, both groups see a strong relationship between honor and duty, and view the Code as relevant in today's society.

(c) The transfer from the idealistic Code to a pragmatic Code once away from USMA has not caused any major difficulty with the officers interviewed. As for the importance of honor at West Point, there is no evidence that it should not remain the focal point of the cadet's education based on the responses of the officers who have undergone the training and lived with these principles in their Army careers.

c. ATTITUDES. To determine the attitudes that the public, the Army at large, and the cadets and staff and faculty have with regard to the Code and System required research in existing files and records, extensive use of questionnaire and interviews, and a broad survey of public and private documents relative to the subject. (ANNEX C)

(1) Public Attitudes.

(a) Newspaper and magazine articles tend to be the primary source of information available to the public concerning the USMA Honor Code and System. Most articles published on the Code and System concentrate on such sensational and controversial honor violations as the Boyd and Pelosi cases, and such criticisms are written with little or nor appreciation of the facts of the incident or how the System operates. The Committee did find a few articles that addressed the Code and System without getting into personalities, and these articles were usually supportive.

(b) Most of the letters West Point has received from the public generally reflect a high correlation with what one reads in the media. These letters are for the most part critical, are principally concerned with controversial cases, and reflect a personalized view of the Code and System; though again, those letters that are focused on the Code and System rather than personalities tended to be supportive. Many of the letters, both pro and con, managed to link the Code and System with integrity in the Army, lending credence to the notion that the Code and System belong to the Army.

(c) Books written about West Point are either the type that provides the traditional and positive support of West Point and the Code and System, or the post-Vietnam publications that reflect some of the popular anti-military sentiment and generally view the Honor and Code System as unreasonable and not consistent with real world values and practices.

(2) *Army at Large Attitudes*.

(a) Based on the data available, though limited in the absence of an Army-wide survey, the Army at large apparently does have a positive regard for the Code and System. This inference is based on the emphasis that has been placed on the ideal of integrity in the Army. That an officer's word is his bond is a traditional value and to a considerable extent is still an accepted premise.

(b) Undoubtedly, an undeterminant segment of the Army at large reflects the same uninformed attitude that the general public has. This segment's attitude is not based on the first-hand knowledge, but rather on what one reads in newspapers and magazines. The size of the military population at West Point in comparison to the Army at large is relatively small, and predictably, the number of people in the Army whose attitudes are based on current and accurate knowledge is also relatively small.

(c) There is often a variance in what the Army officer practices and what he preaches. This problem has been substantiated in two recent studies; *The U.S. Army College Study on Military Professionalism*, June 1970, concluded in part that "There are widespread and often significant differences between the ideal ethic/moral/professional standards of the Army--as epitomized by Duty-Honor-Country--and the prevailing standards," and a graduate school thesis, *A Study of the Personal Value Systems of U.S. Army Officers and a Comparison with American Managers*, August 1969, concluded that concepts related to success had a greater influence on behavior that those concepts related to ethics or feeling.

(d) On the basis of observations at a recent symposium at the Command and General Staff College, it appears that select groups of mid-grade professionals in that student body consider that the professional code of ethics of the Army Officer Corps incorporates the West Point Honor Code. Many officers, however, vociferously object to the non-toleration thesis.

(3) *USMA Cadet, Staff and Faculty Attitudes*. This population responded in a questionnaire that guaged attitudes with respect to a variety of topic areas related to aspects of the Honor Code and System. The general topic areas and responses may be summarized as follows:

(a) *Knowledge*. Approximately 70% of both cadets and officers rated their respective knowledge of the Honor Code and System as good to excellent. That same percentage reported that they had read the USMA pamphlet, *The Cadet Honor Code and System*.

(b) Impact on Individual Development. Slightly more than 50% of the cadets acknowledged that the Code and System significantly contributed to their personal development and officer development.

(c) Ownership of the Honor Code and System. Eighty-five per cent of the cadets feel that the Code and System are exclusively the property of the Corps, while only half of the officers concur in such an opinion.

(d) Adherence. Cadets support both fear of separation (53%) and a strong sense of personal honor (86%) as the reasons for their adherence to the Code and System. A significant percentage of the upper two classes perceive deterioration of adherence since their fourth class year, and the officers (62%) believe that cadet adherence is deteriorating.

(e) Honor and the Army. Approximately 80% of both cadets and officers believe that honor at West Point is not congruent with that in the Army, and a same percentage believe that honor violators are punished more severely at West Point than in the Army.

(f) Enforcement. Cadets are split over how realistically the Code and System are enforced, how fair and just is the System, and whether the Code is too idealistic. Sixty-five per cent of the officers feel that the Code is not too idealistic, 55% believe the System is fair and just, and 44% believe the Code and System to be realistically enforced.

(g) Opportunities to Cheat. Fifty-two per cent of the cadets and 56% of the officers believe that opportunities to cheat or violate the Code should exist, and a higher percentage (66%) opposed modifications in academic procedures that would inhibit opportunities for cheating.

(h) Company Honor Representatives. Cadets indicated that honor representatives were elected for their popularity, dedication to duty, or sense of personal honor. Membership on the Honor Committee is viewed positively by 43% of the Corps, negatively by 30%.

(i) Honor Violations. Officers tend to be more stringent than cadets in interpreting what acts are honor violations. Quibbling, tolerating, and lying are viewed by both cadets and officers as the honor violations most frequently committed and not reported.

(j) Toleration. Forty-five per cent of the cadets contend that toleration should not be an honor violation, and 43% endorse the traditional view that it should be. Seventy per cent of the officers believe toleration should be an honor violation.

(k) Plagiarism. Seventy per cent of the Corps feel that plagiarism should be handled differently than the current practice, though there is no agreement on an alternate method.

(l) Discretion and Sanctions. Generally, both cadets and officers support the use of discretion in the application of sanctions for honor violations. Both groups identify a gradation in guilt, and they generally endorse some alternative to the absolute sanction of separation.

(m) Board of Officers. Eighty-one per cent of the Corps and 72% of the officers oppose the idea of cadets appearing before a board of officers for cheating without first appearing before the Honor Committee.

(n) Officer Assistance. Fifty-seven per cent of the Corps indicate their belief that cadets can enforce the Honor System without officer assistance, while only 34% of the officers support this view.

(o) Honor and Regulations. Seventy-eight per cent of the Corps believe that honor is used to enforce regulations.

(p) Open Honor Committee Meetings. Eighty-two per cent of the Corps indicate that observers should be permitted to attend Honor Committee meetings.

(q) Third Class Attitudes (Class of 1977). The questionnaire shows the present third class to be less supportive of the Honor Code and System. As a class, they responded 10% higher than the Corps norm on accepting certain actions even though such actions are honor violations, and they responsed 10% higher than the norm in contending that the Code inhibited their personal growth and development as an officer. This disillusionment may be a result of the general lack of involvement associated with third class year, a backlash against the plagiarism problems involving members of their class, or a reaction to the peculiar history of the Chairman of the 1974 Honor Committee, the man who had given the class most of the new cadet honor instruction.

(r) Officer Versus Cadet Attitudes. Cadets and officers are in general agreement with regard to most of the areas analyzed. However, the notable exceptions include disagreement over the need for officer assistance in the administration of the Code and System (cadets contend no, and officers, yes) and the question of whether the Code is idealistic (47% of the cadets contend that it is, while 65% of the officers indicate to the contrary).

(s) Comparison of Officer Attitudes. Officers from the Academic and Tactical Departments were more conservative and rigid in their analysis of the Code and System than the officers from USMA Headquarters and Staff, and the Hospital. This difference may be explained by the higher density of USMA graduates with their familiarity with the Code and System in the Academic and Tactical Departments and the fact that the Departments have more contact with cadets.

(t) Enlisted Men Attitudes. The post enlisted men were not as familiar with the Code and System as the cadets and officers, and many adopted a neutral response to the items in the questionnaire. This condition precluded any meaningful comparisons, though the responses other than neurtral generally reflected the officers' response. The important exception is that only 46% of the enlisted men agree that West Point graduates reflect the spirit of the Honor Code in their performance as Army officers, a view held by 56% of the officers.

d. USNA/USAFA Experience. The USNA/USAFA Committee visited USNA and USAFA for a period of two days each, spending time in conference with cadets/midshipmen, and officers of the staffs and faculties. Information concerning honor codes and systems of other colleges and universities was requested by letter and gathered at a conference on Honor Systems at the University of Virginia. (ANNEX D)

(1) USAFA Report. The Committee focused its attention on certain salient features of the Honor Code and System at USAFA. Some features are unique to that Academy; others are very similar to those of the Code and System at USMA, due in part to the fact that USAFA adopted the USMA concept at its model in September 1956.

(a) The USAFA Honor Code states that "We will not lie, steal, or cheat, nor tolerate among us anyone who does."

(b) USAFA feels that non-toleration is an absolutely essential and non-negotiable facet of the Honor Code.

(c) Procedurally, the USAFA Honor System is nearly identical to that at USMA with one major exception. This unique facet of the USAFA Honor System is a provision for granting a cadet "discretion" in certain instances, thus restoring the cadet to the Cadet Wing without prejudice after first having been found guilty of an honor violation by the Cadet Honor Committee. Discretion is a closely guarded provision and is granted only in very special circumstances.

(d) There is an established position for a commissioned officer as an Executive to the Commandant for Honor and Ethics; this officer is also the Officer Representative to the Cadet Honor Committee. His principal duties are to provide administrative support and professional guidance for the Cadet Honor Committee.

(e) USAFA indoctrinates and educates both cadets and officers in the area of honor and ethics. Cadets receive over 60 hours of formal instruction, and all classes are involved in the mechanical and procedural functions of the Honor System. Staff and faculty may attend open hearings and they are privy to case histories released by the Honor Committee. The Committee concluded that the USAFA Honor Code and System appear to enjoy wide acceptance and support from both cadets and officers.

(f) The Cadet Professional Ethics Committee examines matters with respect to professional conduct and provides ethics training that will lead to a high sense of individual ethics in one's subsequent career.

(2) USNA Report. The Committee examined certain features of the USNA that reflect the key contrasts with the USMA approach. USNA differs fundamentally with USMA in the sense that USNA employs a much more conceptual system in which the individual midshipman has a greater degree of moral autonomy in adhering to general principles rather than regulations.

(a) The USNA Honor Concept states:

> The Honor Concept of the Brigade of Midshipmen establishes the principle that a midshipman does not lie, cheat or steal. It demands that midshipmen learn to make decisions in every situation based upon this principle.

The midshipmen must make each decision on his own as a result of self-deliberation and analysis of each case.

(b) There is no "non-toleration" clause in the USNA Honor Concept as opposed to the Honor Codes at USMA and USAFA. Such a position develops personal moral responsibility by obligating the midshipman to act "entirely from his own conscience without the crutch of a rule which says he must take action or suffer dire consequences."

(c) Procedurally, the USNA Honor Concept differs considerably from the Honor Codes and Systems at USMA and USAFA. These differences are manifested in such as the arbitration authority of the Brigade Honor Chairman, the procedural differences when the suspected violator is a first classman, and the two less than unanimous vote needed for a finding of guilty. The USNA Honor Concept also incorporates certain guarantees of due process in its proceedings, thus its finds are final and there is no subsequent board of officers.

(d) The Officer Representative to the Brigade Honor Committee is a collateral duty, similar to that of the Deputy Commandant at USMA.

(e) There is a "Retention" option in the USNA Honor Concept. The Brigade Honor Board and the Commandant may retain a midshipman found guilty of an honor violation because of matters in extenuation, and the Superintendent or the Under Secretary of the Navy may retain the offender because of matters in mitigation.

(f) There is no formal honor instruction beyond the fourth class year, though this policy is currently under revision.

(g) USNA staff and faculty endorsement of the USNA Honor Concept appears mixed. Many feel that the absence of a "non-toleration" clause severely weakens the idealistic principles that require disciplined adherence.

(3) *Other Colleges and Universities.*

(a) Many other institutions have a formal honor code and system, though there is great variety in the complexity and specifics of the various concepts. Those schools that replied reflect a sincere belief in the tenets of honorable conduct and feel that such a concept is an integral, albeit informal, part of their curriculum. Those schools that replied were Texas A & M, Brigham Young, Norwich, Washington and Lee, Stanford, VMI, University of San Diego (School of Law), Emory, The Citadel, and Yale.

(b) In April 1975, Cadet Reid and Cadet Andersen attended the Conference on Student Conduct sponsored by the University of Virginia. The Conference had as its goal the formulation of national standards of student conduct and included delegates from 28 colleges and universities. All three service academies had delegates present, and these delegates presented a four-hour panel discussion on aspects of their respective honor codes and systems. The comparative rigidity of the honor codes and systems of the academies was favorably received by the delegation at large. Though predictably, no national standards were adopted, there was considerable emphasis given to the development of personal ethics, to include the use of honor systems. In general, the Conference reinforced the mission of the Cadet Honor Code in the minds of the USMA delegation.

6. RECOMMENDATIONS OF REVIEW and ANALYSIS COMMITTEES (Second Phase Effort). The three Review and AnalysisCommittees and the adjunct Structural Modification Committee were involved in this phase. Their work, based on the first phase effort, resulted in a series of proposals and programs for implementation (ANNEX E). The proposals endorsed by a majority of the Study Group are presented as RECOMMENDATIONS:

a. DISCRETION/SANCTIONS.

(1) Discretion. That the Cadet Honor Committee be authorized to recommend that a cadet found guilty of an honor violation be considered for retention when it has been determined that some combination of the following circumstances existed at the time of the violation:

--Unusual pressure involved in the incident;

--Self-reported violation;

--Limited experience under the Honor Code.

(2) Voting Policy. That the Cadet Honor Committee institute a two less than unanimous (but always a majority) vote for a finding of guilty or a recommendation for retention [assuming acceptance of (1) above].

b. FAMILIARIZATION/EDUCATION.

(1) Familiarization with the Cadet Honor Code and System.

(a) That case histories of both valid and non-valid honor proceedings (maintaining anonymity) be posted in company areas.

(b) That further study be continued by 1976 Honor Committee on practical ways in which a greater awareness of the importance and functioning of the Honor Code and System can be inculcated in the Corps of Cadets and the Staff and Faculty.

(2) Conference of Honor Committee Chairmen. That periodically chairmen of the USMA, USNA, and USAFA Honor Committees and their officer representatives (if appropriate) meet to exchange information on honor matters.

(3) Academic Course in Professional Ethics. That a compulsory academic course in professional ethics be instituted at USMA.

(4) Program of Honor Instruction. That two programs of instruction on honor at USMA be prepared.

(a) One program prepared by the Cadet Honor Committee on the Cadet Honor Code and System to instruct the Corps on the Honor Code and its administration.

(b) A second, four-year, program to teach the Corps the purpose of honor in our society and in the profession of arms, the history, the responsibilities attached to honor, and the principles and procedures of living and working with an honor code.

(5) Ethics Committee. That further study be conducted on an Ethics Committee as it is now constituted at USAFA to determine the efficacy of such a committee at USMA.

c. PROCEDURES.

√(1) Signature. That explanatory statements be attached to the signature block of selected USMA, USCC forms.

(2) Absence Cards. That the absence card be modified to reflect only two categories: authorized absence or unmarked.

(3) The "All Right." That no change be made.

(4) Improper Questions. That no change be made in existing, formal policies.

(5) Plagiarism. That the reporting officer be given the option of conducting an initial investigation of the immediately relevant material.

?(6) Regimental Investigating Officer. That an Assistant Regimental Investigating Officer be elected or appointed by the Honor Committee.

(7) Elapsed Time from Reporting to Hearing. That the maximum allowable time from the reporting to the Committee hearing of a suspected offense be limited to two (2) weeks under normal circumstances.

(8) Cadet Advisor for the Accused. That a cadet advisor, normally the company honor representative of the accused, be assigned with a comprehensive checklist of his required duties to be fulfilled.

(9) Informing the Accused. That a worksheet be prepared by the Regimental Investigating Officer that reflects the initial accusation and be presented to the accused; this worksheet may be modified within certain guidelines as the investigation proceeds.

(10) Officer Attendance at Honor Committee Hearings. That officers of the USMA Staff and Faculty be allowed to attend Honor Committee Hearings in a non-participating role.

(11) Open Honor Committee Hearings. That the accused be allowed to decide whether his hearing be open or closed and that he have the option to exclude a particular class or company from attendance.

(12) Composition of the Jury. That the jury be comprised only of Honor Representatives.

(13) Presence of the Accused at Hearings. That the accused be present during the entire Honor Committee Hearing, except for jury deliberations.

(14) Confrontation of Witnesses by Accused. That the accused be allowed to confront the witnesses through oral questions after being recognized by the Chairman.

(15) Cadet Duty of the Honor Chairman. That the position of the Honor Committee Chairman carry the rank of permanent cadet captain and exclusion from other cadet chain of command duties. [illegible]

(16) Election of Honor Representatives. That Honor Representatives be elected at the ~~end of Third~~ Class Year.

[illegible]

(17) Procedures for Orderly Change. That a standing subcommittee of the Honor Committee be formed to deliberate on proposed changes to theCode and ? System and to select the proper forum, either the Honor Committee or the entire Corps, to confirm or deny the proposed change.

(18) Assistant to the Honor Committee. That an appropriate supervisor, either enlisted or commissioned, and secretarial assistance be explicitly assigned to assist the chairman with administration.

(19) Academic Department Honor Liaison Officer. That each academic department appoint an official Honor Liaison Officer.

(20) Transient Billets. That all cadets determined to be violators by the Honor Committee be immediately removed to Transient Billets until departure or other resolution of their respective case.

d. The Structural Modification Committee Alternative (ANNEX F) is not included as a recommendation. Time precluded a complete orientation for the entire Study Group, thus the Committee's findings could not be honestly endorsed at this time. However, the Steering Committee of the Study Group acknowledges that the alternative offered by the Committee is viable and compatible with the above-listed recommendations of the Study Group. ANNEX F

7. GENERAL CONCLUSIONS.

a. The present Cadet Honor Code and System are viable as constructed, though changes in the System may strengthen the Code by recognizing the changing conditions and circumstances in the routine of cadet life. The Honor Code will never be anachronistic, but the specific applications of ideal principles are invariably linked to the conditions in which they operate.

b. The Study Group has amassed considerable detail and information in its year-long endeavor. This material represents a major effort to accumulate and to assess both qualitative and quantitative data on the Cadet Honor Code and System. The enclosed Report should serve as a permanent base for future analyses of the Cadet Honor Code and System. Presumably, future efforts can be directed into contemporary matters, as this Report has had as its dual purpose the goals of providing an accurate and reasonably complete record of the past as well as a review of the condition of the Honor Code and System at this juncture.

William J. Reid	H Buckley
WILLIAM J. REID	HARRY A. BUCKLEY
Cadet Captain, USCC	Colonel, Infantry
Co-Chairman	Co-Chairman

ANNEX A--Historical Development
ANNEX B--Purpose
ANNEX C--Attitudes
ANNEX D--USNA/USAFA Experience
ANNEX E--Recommendations and Programs of Implementation
ANNEX F--Structural Modification
ANNEX G--Bibliography
ANNEX H--Records

ANNEX A (HISTORICAL DEVELOPMENT)
to
Report of Superintendent's Special Study Group on Honor at West Point

1. PURPOSE OF THE COMMITTEE.

To conduct historical research and investigation with the purpose of producing a definitive, consolidated history of the Honor Code and System.

2. ORGANIZATION.

The committee consisted of an officer who acted as chairman and two cadets; the members of the committee were:

Captain Harold L. Wilhite, Jr.
Cadet David J. Rehbein
Cadet John E. Grech

3. METHODOLOGY.

The methodology was to investigate historical research topics which coincide closely with the major headings of this report listed below in paragraph 4(a). Primary sources were the archives section of the USMA Library, the Honor Committee Chairman's Files, Tactical Department Files, and the results of a questionnaire sent to persons associated with the Honor Code and System in the past. (See Appendix 1).

4. DISCUSSION OF TOPICS/AREAS OF RESEARCH.

a. Organization.

- (1) General Background.
- (2) Development of the Statement of the Honor Code.
- (3) Procedures for Dealing with Suspected Violators.
  - (a) Evolution in the Purpose and Structure of the Honor Committee.
  - (b) Jurisdiction (Honor Committee and Commandant).
  - (c) The Mechanics of Processing a Suspected Violation.
  - (d) Criteria for Guilt.
- (4) "Second Chance."
- (5) The Interplay Between Honor and Regulations.
  - (a) Using Honor to Enforce Regulations.
  - (b) The "All-Right."
  - (c) "Bedstuffing."
- (6) Toleration.

b. Discussion.

(1) General Background. The Honor Code at the United States Military Academy has existed in one form or another since the Academy's inception. The Code derived from the "Code of Honor" of the officer corps of the Army of the late 1700's, and after many changes in statement, interpretation, and application, this early Code evolved into the present Honor Code and System; the "System" being the application of the Honor Code to the rules by which the cadet lives. The central core of the Honor Code, that the cadet be fundamentally honest and therefore accepted at his word, was encouraged by Captain Alden Partridge and Captain Sylvannus Thayer, Superintendents from 1815-1817 and 1817-1833 respectively. In fact, Thayer's strong convictions in this area are thought to have elevated the Code to the almost sanctimonious level of respect that it now traditionally occupies in the perceptions of cadets and graduates.

Formalization of the Honor System began in the late 1800's when cadets began forming grievance committees; some committees dealt with inter-corps matters, and others took up issues of cadet welfare with the Tactical Department. An example of the former was a "vigilance committee," whose domain was matters of honor. Initially these were "ad hoc" committees, formed as an issue would arise, but somewhere around the turn of the century the membership became more stabilized, with one first class representative being elected from each company to serve for an entire year.[1]

Although most of the officer corps at West Point in the late 1800's and early 1900's were graduates of the Academy and staunch supporters of the Honor Code, this Vigilance Committee was not officially recognized by the Tactical Department, and for the most part it frowned upon the activities of the Vigilance Committee. This Committee, then, essentially operated independently of any officer involvement, a fact which served to solidify the idea that the Honor Code and its implementation "belonged" to the Corps of Cadets.

The Honor System was finally formalized by BG Douglas MacArthur, who assumed the duties of Superintendent of USMA in 1919. There had been an accelerated turnover of both cadets and officers at the Academy toward the end of World War I, with some classes graduating in less than two years, and MacArthur felt that there had been a consequent deterioration in the Corps' sense of "duty, honor, country", the motto of USMA.[2] He took steps to improve the cadet attitude in every area, and his specific action with respect to Honor was to recognize officially the "Honor Committee," modeled after the Vigilance Committee of previous years. The Honor Committee could now work in consonance with the Tactical Department in dealing with potential violators of the code, in scheduling instruction, and in legitimizing the general procedures which had been inconsistent and occasionally unfair.

(2) Development of the Statement of the Honor Code. As noted, the original "Code of Honor" at USMA was a derivation of the "Code of Honor" in existence in the officer corps of the Army of 1802. This officer's code, the code of a gentleman, covered everything from chivalry to personal integrity. Since there was no formalized Honor System in the early 1800's not everyone agreed as to what constituted a "dishonorable act", nor was there agreement on the penalty should a dishonorable act be committed. Generally, points of honor were settled on a personal basis, with the offended party "calling out" the offender. The issue was then settled in some sort of duel, the most popular type in the Corps being fisticuffs.

In isolated cases, the Superintendent determined that the offense in question was such that dismissal was the only alternative, and the offender was summarily dismissed. This occurred once under Captain Partridge, the fourth Superintendent, when he dismissed several cadets who lied about their whereabouts. Captain Thayer, his successor, dismissed several cadets for violations of honor, all involving false statements. During Thayer's tenure an occurrence in an Engineering Class caused him to categorize cheating along with false statements as an honor violation. He found several cadets tracing models which they were supposed to copy freehand. Although this had evidently been common practice up to that time, Thayer pointed out the incompatibility of such behavior with a true sense of honor and announced that while the culprits in that case would not be dismissed, all future infractions would be considered a violation of the Honor Code and infringers expelled.[3]

Thus, there were two types of honor violations which were considered serious enough transgressions by Captain Thayer to warrant a cadet's dismissal—lying and cheating. Apparently the former took hold, that a cadet does not make false statements, but the latter faded out of the realm of honor in the 1800's. This qualification of cheating is evident in a quote from the Adjutant USMA in a May 9, 1905 letter in response to a questionnaire from the University of Ohio on the West Point Honor System:

> "It is not a point of honor with cadets not to obtain information unauthorizedly. By this I mean that if a cadet is ever caught cheating, his punishment, while very severe, does not include necessarily dismissal from the Military Academy."[4]

He went on to say that "The honor system which we have involves this and only this: that the word of a cadet is never questioned." The Superintendent was asked in 1907 by a Stanley Shubert to describe the Honor Code, and his response was that

> "It consists mainly in these facts; that the word of a cadet is invariably accepted on all questions, or in the case of the contrary he is immediately tried by Court Martial for falsehood, and if found guilty, dismissed."

These explanations of the meaning of the Honor Code indicate that in 1905 it formally encompassed one idea, the only tenent which had been consistently in existence since the early 1800's, that a cadet does not make false statements. Cheating had been singled out by Captain Thayer, but ignored by his successors in the late 1800's. Stealing was such a clear cut violation of the precepts of USMA that it was dealt with as a violation of Regulations, and only one example has been found where it was mentioned as part of the Honor Code of the 1800's.[7] Offenders were court-martialed; if found guilty they were separated from the Academy as a minimum.

In 1907 the Superintendent decided finally that cheating should be considered to be in the domain of honor. The following is an excerpt from a letter to the Commandant, which the Superintendent directed be placed on the cadet bulletin boards:

> The Superintendent directs that hereafter in the section-room, either at oral recitation or at written recitation, all cadets shall be considered on honor to receive no information concerning their recitation or their lessons from any unauthorized source whatever. The preparation of a subject or recitation on the blackboard, or the submission of a written recitation or exercise whether signed or not, will be accepted without question as the individual work of the cadet preparing or submitting it, unaided by any improper or unauthorized assistance. As this matter is placed in the hands of the cadets, it becomes their duty to safeguard in this respect also the honor and tradition of the Army. A cadet unwilling to accept this trust, both in letter and spirit, had best sever his connections with the Military Academy.[8]

Naturally, acceptance and implementation of such a unilateral decision were not immediate, and in fact it would take fifty years to clear up all of the nuances of this abrupt insertion. It was not until 1926 that the Academic Board responded with the particulars of how honor would apply in the classroom.[9]

The cheating issue was further muddled in 1926 when the Superintendent initiated a "warning rule" in the classroom. This rule stated that first offenses of honor violations in the classroom would be ignored; in effect granting an automatic second chance.[10] The General Committee of the Academic Board requested clarification of the rule; finally, the policy was established that if the first violation were flagrant, such as notes being found on a person during an exam, no second chance would be given.[11]

This rule was unpopular among the instructors, causing dissent and confusion until 1935, when it was officially rescinded.[12] Even after the rescission some instructors continued to give an automatic second chance. In 1941 there was an incident in a foreign language class which was dismissed by the professor because it was a first offense. The Honor Committee learned of the incident, investigated, and felt the violation to be flagrant enough to go to the Commandant and demand all of the facts of the case, which clearly was in contradiction to policy.[13]

The question of writing after the command, "cease work," also illustrates the uneven acceptance of cheating. Though readily accepted now as "taking unfair advantage," the offense was considered differently in this excerpt from the 1953 Honor Committee SOP: "It is not an honor violation to continue work after the command "Cease Work" has been given. The practice is discouraged."[14] However, the SOP of the 1954 Honor Committee does classify writing after "Cease Work" as an Honor Violation.[15]

Regardless of the inconsistent and confused acceptance of cheating as an Honor Violation between 1907 and 1930, cheating was prohibited in the formal statement of the Honor Code. At some time during that period stealing also became part of the domain of the Honor Code, though all but petty offenses were probably referred directly to Courts-Martial. The statement of the code from the mid-twenties to 1970 was that "A cadet does not lie, cheat, or steal."

From at least 1900, an unwritten prohibition against the tolerating or accepting of known violators of the Honor Code has been in existence. This concept of "non-toleration" also means that anyone who has knowledge of a violation committed by another and does not report that violation is himself violating the Honor Code. In 1970 this concept was added to the statement of the Code so that it now read as it does today, that "A cadet does not lie, cheat, steal or tolerate those who do."

(3) Procedures for Dealing with Suspected Violators.

(a) Evolution in the Purpose and Structure of the Honor Committee. When BG MacArthur took over as Superintendent in 1919, the body which dealt with all potential violators of the Honor Code originating in the Corps was the Vigilance Committee. As has been mentioned, the activities of this Committee were kept secret from the Tactical Department. In the summer of 1921, the Committee found a man guilty of violating the Code and with the cognizance of the First Captain, "rode" the man out of camp, ultimately forcing him from the Corps. Even though the First Captain was subsequently reduced to the grade of Cadet Private, the incident, along with MacArthur's aforementioned desire to legitimize the Honor System, prompted the Superintendent to give official recognition to an "Honor Committee" in AY 1921-22.

The original Honor Committee consisted of thirteen members, one first class honor representative per company and a Chairman. According to the

Bugle Notes of 1921-22, the position of Chairman was automatically filled by the President of the First Class,[17] but this does not coincide with statements by selected members of the first few committees, who indicate that the Chairman was elected by members of the Committee.[18] The Second and Third Classes also elected honor representatives who performed some administrative duties and apprenticed under the First Class Committee Members. In successive committees the policy has been that each class elects its permanent company honor representatives at some time during their Third Class year. The committee officers are elected toward the end of their Second Class year.

The following quotation from the 1924 Howitzer addresses the "fundamental reason" for the creation of the Honor Committee:

> The Corps is really a huge honor committee that has delegated certain inherent powers of tradition to a small group of men. The fundamental reason for the creation of this body was the desire to remove such a serious question as honor to a more tranquil stratum, where the facts for and against could be carefully balanced, and a decision reached that would be uninfluenced by the popular hue and cry.[19]

The following statement from the 1923 Howitzer indicates the scope of the original committee:

> Originally the Committee took up all matters concerning the welfare of the Corps, but it has since been deemed advisable to drop all but questions of honor.[20]

The Commandant in 1924 succinctly summarized the purpose of the Committee with the following charge:

> ". . . to inquire into all irregularities, personal or official, on the part of members of the Corps that may be in violation of those principles. When in its opinion, such irregularities warrant remedial action, to report these facts to the Commandant of Cadets."[21]

An important result of the new system after 1924 was that theoretically punitive powers no longer rested with the cadets. The Commandant's statement explicitly prescribes that if remedial action is warranted, the Committee will "report these facts to the Commandant of Cadets." It was the Commandant's job to offer the violator administrative board action or UCMJ proceedings, albeit essentially an appellate procedure. In practice, the Corps accepted the decision of the Honor Committee as final, and if the violator were returned to the Corps after an acquittal through one of these appellate processes, he was treated as if he did not exist. This treatment was part of the tradition of the "Old Corps" originally called the "cut," and later the "silence". The man was not spoken to, was forced to eat at a separate table, had no roommates, and was generally ignored. Since very few cadets endured this treatment for more than a few months, the Honor Committee did in effect maintain its power to eliminate any cadet determined to be a violator.

In addition to its quasi legal function, the Honor Committee took up the task of educating the Corps on honor precepts and the mission "to keep alive in the Corps the principles of its Honor Code and transmit them from class to class."[22] This was done through a combination of formal honor instruction and informal advice and counseling which have been carried forward to the present.

Frequent reminders from the Tactical Department that the Honor Committee is not a punitive body are found throughout the 1920's and 1930's. Pressure was exerted on the Honor Committee Chairmen of that era to accept unequivically that philosophy and to pass it on to the Corps. One Commandant even put the following note in the Honor Book, USCC, a document closely guarded by the Honor Committee Chairman and usually not even shown to members of the Tactical Department.

> "The purpose and duties . . . do not give the members of the Honor Committee authority to punish—rather to consider honor and honor irregularities within the Corps."[23]

A few Honor Chairmen did adopt the non-punitive philosophy, including the 1928 Honor Chairman, who made the following comment on the silence.

> "It appears that in the past the Corps occasionally took (sic) this 'silence' action unofficially, but not by published and concerted action, and in time this action established a wrongful precedent. This, in a few words, means that you have no right to 'silence'. There is no longer such a thing as 'silence'. Forget about it."[24]

Evidently neither a significant percentage of the Corps nor subsequent Honor Chairmen seriously heeded his advice.

The 1937 Howitzer describes the Honor Committee as "not a law-making body, not a court to try defenders, the Honor Committee functions only as an advisory and instructive council."[25] The questions of "legalistic" versus "advisory and instructive" and of "punitive" versus the "non-punitive" continued through the 1960's. The beginning of the end of these controversies came in 1971 with the case of Cadet Pelosi, a First Classman accused of cheating in an Electrical Engineering class. His case was brought before the Honor Committee and he was found guilty. During the hearing, an administrative note from the Deputy Commandant to the S-1, USCC surfaced which disturbed the board members who saw it. The substance of the note clearly jeopardized the legal status of the case, particularly with regard to the appellate options available. The note read: "Get to Powers ASAP. Expedite, looks like an open and shut case."[36] The Chairman of the Honor Committee, Robert Powers, officially objected to the note, but since most honor committee members had seen it, another hearing by the Honor Committee was impossible. The Superintendent made the decision not to offer an Officers Board to Cadet Pelosi, according to LT. Powers because of a fear that the Honor Committee decision would eventually be overturned in the courts, with an accompanying ruling against the Honor System in general.

The Honor Committee then offered Pelosi an opportunity to explain his case in writing to the Corps, which he declined. A vote among the Corps was taken on whether or not Pelosi should be silenced. The results were 80% in favor, 12% opposed, 8% not voting. A silence was imposed, but an emphasis was placed on fairness that had not taken place in past silences. Attempts were made to prevent harassment, and all delinquency reports were screened to insure they were not due to bias. As graduation approached, a few cadets began going out of their way to associate with Pelosi. Because of the "fairness" attitude, nothing was done about this, and many cadets objected to this "leniency." The Honor Chairman explained the Corps' attitude:

> "The cadets against the silence felt it was too harsh and/or a device for the officers to avoid tough situations. The cadets favoring the silence felt the officers had once again interfered with their Honor System by protecting Pelosi. The silence was destined to die."[37]

In the next year, 1973, the Corps did vote to reject the "silence.". The Honor Committee thus had no recourse in the form of punitive action in the event an honor decision was overturned by either a Board of Officers or the Superintendent.[38]

Other than giving direction by suggestion and advice, commissioned officers have had little direct influence in the workings of the Honor Committee since its inception. This situation has its roots in the tradition of the old Vigilance Committee. The only officer to deal directly on a consistent basis with the Honor Committee since the late 1920's has been the Deputy Commandant, who has acted as a sort of liaison between the Commandant and the Honor Chairman.

Except for subtle changes such as in the punitive powers, the purpose and structure of the Honor Committee has remained essentially unchanged since the late 1920's.

(b) Jurisdiction (Honor Committee and Commandant). In the time prior to the official formation of the Honor Committee members of the Corps dealt with almost all suspected violators of the Honor Code discovered by them. This was occasionally taken care of by the chain of command when the violation was clear cut—the violator was simply told to pack his bags—but more often than not cases were referred to the Vigilance Committee. Though frequently the authorities were aware of a case before the Vigilance Committee, on a few occasions the Tactical Department took anonymous recommendations from the Committee, notwithstanding its non-official status, to initiate a separate investigation. If a suspected violation were discovered by an officer, such as cheating in the classroom, the case was referred directly to the Commandant, who initiated an investigation.

When the Honor Committee was given official recognition in AY 1921-22, the guidelines for jurisdiction over honor cases were much as they had been prior to 1921, with a few exceptions. Cases discovered by cadets were usually referred to the Honor Committee, though occasionally some incidents were reported directly to the Tactical Department. Cases discovered by officers were almost always referred directly to the Commandant.[29] The reasons a cadet might report an offense directly to the Tactical Department are not specified, but a likely possibility would be if the offense were also a flagrant violation of regulations, or if it were discovered in the classroom.

Another unusual procedure during this period was that a cadet could, at any time, elect not to have the Honor Committee hear his case, but rather appear before a Court-Martial Board.[30] The motivation for this stems from the apparent option of the Court-Martial Board to mete out punishment less than dismissal. For example, before a First Classman could escort on a picnic he needed a chaperone, and he was required to indicate such when he signed out. In a particular case, a First Classman gave the name of a Tactical officer's wife. The Tactical officer happened to notice this entry, and as he knew nothing of the event, he checked with his wife. She indicated no knowledge of the event, so the cadet was confronted with the apparent discrepancy. According to BG John G. Hill, Chairman of the Honor Committee in 1924, "The cadet himself decided he did not want the Honor Committee to be involved."[31] He was subsequently found guilty by a General Court-Martial Board, but the sentence was delay of his graduation date by two months, not dismissal.[32] Whether or not this man was "silenced" by the Corps is not recorded, but it was so close to graduation that presumably it would not have made much difference.

This case took place in 1924 and no other reference has been found indicating that anyone else was given a similar option of the Honor Committee or UCMJ proceedings. It has been policy from the beginning, however, that a man found guilty by the Honor Committee may subsequently elect to have his case heard by a Board of Officers or a Court-Martial Board.[33] If the Board finds him not guilty, the Honor Committee decision is overturned and the man returned to the Corps. The final approving authority for all dismissals is the Superintendent, so he of course has the option to overturn a guilty verdict by the Officer's Board.

Essentially, then, after the mid-1920's, cadet-reported cases were handled by the Honor Committee, and officer-reported cases by the Commandant through UCMJ channels. This policy was justified by the 1931 Honor Committee in the following statement by its Chairman:

> "It would be wholly inconsistent with the principles upon which the Honor Committee is founded for any officer to refer specific cases to this Committee or to endeavor to ascertain its opinion on disciplinary cases under consideration.[34]

This policy continued with certain exceptions until 1958; the known exceptions were in 1935, when the Honor Chairman says there were officer-reported cases referred to the committee,[35] and in 1951 during the well-publicized cheating scandal. In AY 1956-57, LT Lyons, an instructor who had been a member of the Honor Committee as a cadet, was surprised to find that if he suspected a cadet of cheating, the case was automatically put into UCMJ channels, completely bypassing the Honor Committee. His inquiries prompted a study of the procedures for handling officer-reported violations. It resulted in the following change of policy, put into effect in AY 1957-58.

> An officer of either the Academic Departments or the Tactical Department would normally report the case to the office of the Commandant of Cadets. Here the case could take one of two routes. If, on investigation, the Commandant determined that a clear cut violation of UCMJ was indicated, he could retain the case, appoint an investigating officer, and proceed under the UCMJ. Or, he could refer it to the Cadet Honor Committee for their investigation and consideration. The motivation for choosing one or the other route might derive from the Commandant's perception of the educational or training value that might accrue from handling by the Cadet Committee. Or, if the complexity of the investigation appeared to loom too large for the Cadet Committee, the Commandant might choose to go the UCMJ route.[36]

The above is the recollection of LTC Dale Hruby, Chairman of the 1958 Honor Committee. He goes on to say that it is his recollection that all officer-reported cases were referred to the Honor Committee by the Commandant in AY 1957-58. From 1958-63, this option on the part of the Commandant for officer-reported cases remained in effect. In 1959, a new Commandant appeared who apparently leaned toward the UCMJ route as opposed to referral to the Honor Committee. As a result there were very few officer-reported cases referred to the Honor Committee during these years. In AY 1963-64 it became policy that all cases, regardless of source, would be turned over to the Honor Committee.[37] This policy remains in effect.

(c) The Mechanics of Processing a Suspected Violation. Since the inception of the Honor Committee, cases have found their way to an "Honor Hearing" by two distinct but intersecting paths. If the suspected violator is discovered by a cadet, the cadet reports it to his Company Honor Representative. If the representative deems that it merits further investigation, he reports it to the Chairman. If the alleged violation is discovered by an officer, an in-house investigation is made in the Department involved and all evidence forwarded to the Commandant. In those years in which it has been policy for the Commandant to pass officer-reported cases to the Honor Committee, the Commandant in turn forwards the evidence to the Honor Chairman. Regardless of the origin of the case, the Chairman next appoints a subcommittee of usually three honor representatives to gather evidence and to function in a grand jury role. Pertinent witnesses to include the accused are called before the subcommittee. At the conclusion of evidence gathering, the subcommittee deliberates and decides whether or not there is enough evidence to send the case to a hearing before the full committee.

Exceptions to the above occurred during the years 1948-53, when the suspected violator was informed of his violation in writing, and 1948-58, when he chose or was assigned an "advisor" from the Honor Committee.[38] This "advisor" acted essentially as a defense counselor. According to the 1921-22 Bugle Notes, the original intention was for every accused to have this advisor, but the evidence suggests that this was strictly followed only during the period 1948-58.[39]

With the exception of the years 1946-53, the procedures of the Honor Committee during the "hearing" have been fundamentally the same. From those honor representatives present, a jury of twelve is selected by the Secretary. These twelve do most of the questioning and vote at the termination of the proceedings. The Chairman convenes the "hearing" and the chairman of the investigating subcommittee organizes the appearance of the witnesses. No evidence has been found indicating that at any time was the accused allowed to confront his witnesses, and with few exceptions the accused has been the last individual to appear before the Committee. The Chairman moderates the questioning of the witnesses and the discussion that follows. At the conclusion of the discussion a vote by secret ballot is taken by the members of the jury. With the exception of the 1930 Honor Committee which "decided cases by majority opinion,"[40] a unanimous vote is required for a guilty verdict. If the accused is acquitted, he is returned to his company and no formal record is made of the case. If he is found guilty of violating the Code, he is so informed by the Chairman and arrangements are made for him to appear before the Commandant.

Records indicate that from the years 1948-53, the "hearing" was conducted much like a Court-Martial Board. It has already been mentioned that the accused was assigned an advisor, who acted as a defense counsel. The Chairman of the investigating subcommittee acted as the prosecuting attorney. The hearing opened with arguments from the defense and the prosecution. Witnesses against the accused were then called by the prosecutor, and although the accused was not present, his advisor acted in the accused's behalf in questioning witnesses. After prosecution witnesses, witnesses for the accused were called and finally the accused. An exception to court procedure is that he did not have the right to refuse to take the stand. At the conclusion of his testimony, closing arguments were made by the attorneys and a vote taken.[41]

Also, during the period 1946-51, in the case of a "Not Guilty" decision, a second vote was taken. The purpose of this second vote was to determine whether or not there was enough evidence for the case to be further investigated by military authorities. If the vote were unanimous in concluding there was in fact enough evidence, the case was forwarded to the Commandant for further investigation. If the Commandant did uncover new evidence, a third unanimous vote could reconvene the hearing. It is not known whether or not this was ever put into practice.[42]

One of the cornerstones of the success of the Honor Committee has been the support of its decisions by the Tactical Department. In almost every case, the decision has been accepted by the Commandant without further investigation and the violator asked to elect either to appear before a Board of Officers or to submit his resignation. During certain periods, such as the years after the 1951 crisis, the official policy has been that the Commandant conducts a separate investigation "to determine whether or not a 'prima facie' case of honor violation exists"[43] but other evidence indicates that this practice was not rigorously followed. A more pragmatic justification for allowing resignation without further hearing was expressed by the Superintendent in 1929

> "(1) It is quick and effective;
> (2) It spares the Academy undue publicity."[44]

(d) Criteria for Guilt. There are two central issues evident in the criteria for determining a cadet's guilt with regard to a suspected honor violation. Is a man's intent to commit an honor violation necessary and sufficient to constitute guilt; and should the location of the transgression be relevant?

The nuances of the first have been so variously interpreted by different honor committees that addressing anything other than the fact that there have been differences is purely speculative. If any trend can be identified, it has been that in the last twenty years intent has been considered necessary by almost all committees.

An essay by the 1928 Chairman is one example of an opinion that intent is not sufficient; he concluded that "a little careful thinking will show that, I believe, to punish a man for a guilty thought would be carrying our zeal beyond practical limit."[45] In contrast the 1954 Chairman remarked:

> "In any case hearing, two things must be established; (1) that the accused was or was not guilty of an act or an omission and (2) the intent behind the act or omission. A man cannot be found guilty for an act or omission if he had no dishonorable intent, but a man with a dishonorable intent may conceivably be found guilty even though he commits no overt act."[46]

The latter is the gist of the present Honor Committee's criteria for guilt as explained by the Chairman of the 1975 Honor Committee to the Committee on Excellence in Education (Secretary of Defense) in September of 1974. This determination of intent gives Honor Committee members on the board a great deal of flexibility in their determination of what constitutes an honor violation.[47]

The second issue—where should the honor code apply—is one which is not formally addressed in any of the literature about the honor code until the 1950's. At that time debate began on the issue and the official Honor Committee position was that a cadet is susceptible to being found guilty of an honor violation only within the confines of West Point, though he is "encouraged to take his honor with him wherever he goes." In fact, the first recorded case in which a cadet was found guilty of committing an honor violation away from West Point was in 1959.[48] Even two years later in 1961 the Honor Review Committee reported that there was still some confusion on the issue.[49] Presumably this understanding in the early 1950's that honor applied only at West Point was passed down from earlier classes, but the recollections of individuals who graduated in the late 1940's are that honor was binding on the cadet when he left the Academy. Possibly the concept of a totally binding Honor Code was generally accepted until specific cases arose in the 1950's, and the notion became a subject of debate and formalization. Nevertheless, since around 1960, both the official policy and the cadet understanding have been that the Honor Code applies everywhere.

(4) Second Chance. "Second chance" is the policy on the part of the Honor Committee of returning a violator of the Honor Code to the Corps with another chance to prove that he can live up to its ideals. Used by honor representatives or individual cadets, it is the policy of not reporting a potential violator to the Committee for a particular motive. This "motive" is the belief that the man deserves a second chance because of mitigating circumstances: a good and honorable record as a cadet, a "small" offense such as a white lie, or because the man reported himself. The presence of this motive distinguishes "second chance" from toleration.

In the mid-nineteenth century "second chance" was not an uncommon occurrence. This was promulgated through two separate philosophies: one that cadets are in a training environment, and as such should be granted mistakes; secondly, that honor violations can be separated by degree, and the punishment should fit the crime. For this reason in the 1850's and 1860's sanctions other than separation existed for some honor violations.[50]

At the turn of the century, this practice of "second chance" decreased. Nonetheless, the most celebrated example of this "second chance" policy prior to the inception of the Honor Committee was the Baender Case of 1897. Baender was a Fourth Classman accused by several cadets of stealing and making false statements. A committee of three first classmen was appointed to investigate the charges. Their conclusion is expressed by one of the accusers, Morton C. Mumma, a classmate of Baender's, who, two years later, was asked to write a statement about the affair.

> "After making the investigation the Committee was of the opinion that Cadet Baender should be asked to resign. The fact that he was a fourth classman however led them to believe that if severely reprimanded for his past actions and given some good advice, he would follow the right inclinations. This latter opinion was also strengthened by a promise upon his honor that he would mend his evil ways. Accordingly, the committee agreed to give him another chance and after informing him of their decision the matter was dropped."[51]

In the next year Baender was again charged with multiple offenses and resigned before any board action was brought against him.

After the Honor Committee was formalized, official descriptions of the Honor Code and System, such as are found in the Bugle Notes, state flatly that no "second chance" policy exists.

> A second chance to one who has intentionally broken the honor code will not be given and no partiality will be shown, no distinction whatever being made to class or rank.[52]

Official statements such as the one above do not coincide, however, with statements of some honor committee members of the period, including that of BG John Hill, Chairman of the 1924 Committee, who reported that "if a case was determined to be of a minor nature and was admitted by the cadet himself, it was disposed of by disciplinary means."[53] To what degree this stated policy permeated to the level of the honor representative and individual cadet is not known; however, the fact that until 1948-49 no more than ten cases were heard by any honor committee may have been due in part to such a "forgiving" philosophy at the individual cadet level. In fact, in 1928 there were no alleged violators reported to the Chairman by cadets, though there were ten reported by officers from the Academic Departments.[54]

In the 1930's there is evidence that "second chance" was still being used. William Whipple, Jr., Chairman of the 1930 committee states that there was no official "second chance" policy with his committee, but that if it were a "small matter" the Honor Committee would not find the man guilty.[55] In 1935 there is another wide discrepancy between the Bugle Notes version of the "second chance" philosophy and that of the Chairman of the Honor Committee. The Bugle Notes reported that "no intentional dishonesty is excusable and under no circumstances will it be condoned,"[56] but the Chairman recorded:

> "A man whose record and whose reputation for truth and veracity show that he has at all times abided by the principles of our system should not be dismissed for a minor slip. The unforgiveable offense is the premeditated crime or a series of crimes showing a dishonest frame of mind."[57]

Except for isolated aberrations, indications are that the "second chance" philosophy on the Honor Committee level had passed away by 1940. The Honor Chairmen in the 1940's so indicate, and the 1941 Howitzer flatly states in reference to the Honor Committee that "theirs is the solemn duty of administering justice to all offenders, for whom there is no sympathy, no mercy, no second chance."[58]

There have been exceptions, including the 1973 Honor Committee's policy and the policy as applied to New Cadet Barracks since about 1958. Two other isolated exceptions have surfaced, one in the 1940's and one in the 1950's, both worth mentioning. In 1948 a cadet "swiped" a coke from a coke truck parked near the area of barracks. He contended that he had done so only as a prank, but the Honor Committee, nevertheless, found him guilty of stealing. The results of the hearing were reported to the Commandant, who decided to overturn the Honor Committee's decision and return the man to the Corps. The Honor Committee did not rehear the case, but in a very unusual move "decided to report the facts and findings to the Corps, but did not silence or further pursue the issue."[59] The second unusual case occurred during the tenure of LTG William J. McCaffrey, then Deputy Commandant, in 1953-56. McCaffrey remembers:

> "A cadet plagiarized on a paper he submitted. When he appeared before the Honor Committee, he admitted it. They acquitted him because he didn't lie. He went on to graduate."[60]

Occasionally, in the last twenty-five years, studies have been initiated to explore the possibility of formalizing some form of "second chance" philosophy. General Maxwell Taylor, then Chief of Staff of the Army in 1957, initiated one such study with the following comment:

> "The honor system should not, in my opinion, become a means for eliminating cadets guilty merely of thoughtless or perhaps inconsequential acts even in formal violation of the honor code which do not carry a strong influence of moral turpitude . . . They (the Honor Committee) should learn early in life to inject toleration, judgment of human factors, and appreciation of sincere repentence into their decisions affecting the careers of their fellow cadets."[61]

Notwithstanding these comments, and those of a few others advocating some sort of "second chance" policy, the only committee to ever initiate such a policy until the 1974-75 Academic Year (New Cadet Barracks excepted) was the 1973 Honor Committee. After a determination of guilt at the hearing a subsequent deliberation was made to determine whether the man showed a "sincere concern for the honor code and living by it. A unanimous decision by the Honor Board that found the cadet guilty was necessary for a second chance."[62]

The most interesting case in which the above "second chance" option was applied involved a Third Classman. The case is described by 1st LT Thomas Lubosynski, Chairman of the 1973 Committee:

> "He reported himself for several violations (all for lying) that occurred during his plebe year. His conscience had been bothering him. He reported himself to his Company Honor Representative, even though the Catholic Chaplain had advised him not to do so. The Committee felt that this yearling exemplified what the Honor Code was trying to build—a spirit within the man that would not allow him to live with an honor violation."[63]

"Second chance" for fourth classmen in New Cadet Barracks became a separate issue in the late 1950's. In the summer of 1959, the so-called "option" was introduced into New Cadet Barracks, and this policy has been in effect until the present. Essentially, before a new cadet can be determined guilty of violating the Honor Code, he must have developed a fundamental appreciation for what it says and means. If a case comes before the Committee, two separate deliberations are made: (1) Did the cadet commit an honor violation? and (2) Irrespective of (1), does the cadet have a fundamental understanding of the Code?

At the termination of the hearing, a vote is taken on whether or not an honor violation has been committed. If unanimous, a second vote is taken as to whether or not the cadet has a fundamental understanding. If "No," he is returned to his company and the matter dropped.

(5) The Interplay Between Honor and Regulations.

(a) Using Honor to Enforce Regulations. Since a cadet is subject to the Honor Code twenty-four hours a day, there are naturally times when his adherence to its tenets interfaces with his compliance with regulations. An issue which arises as a result of this interface is the extent to which his "honor" should be used to detect violations of regulations.

The first recorded major confrontation involving this balance between honor and regulations occurred in 1899. The hazing issue at West Point had received a great deal of publicity, and the Superintendent was determined to bring it under control. To this end he directed that periodically Company Commanders would sign a certificate stating that no hazing was taking place in the Company.[64] This was interpreted by the First Class as an exploitation of their honor and consequently was not well received. In fact the reaction was one of the contributing factors to the near outright rebellion of the First Class in April of 1901, described by Colonel Mills, Superintendent:

> "The demonstration took place in the main salleyport of cadet barracks; then in the area of barracks; in the sink, on the plain north of barracks, and finally in front of the Superintendent's quarters. It consisted of cheers, ending with the names of two recently punished cadets, several profane yells directed at the Superintendent, and the moving of the reveille gun from its accustomed place to a position on the plain immediately in front of the Superintendent's quarters at the door of which the muzzle was pointed."[65]

The descriptions of the Honor System in the Bugle Notes of the early 1900's carry forward the theme that violations of honor should be kept separate from violations of regulations. The 1919 Bugle Notes reports:

> This caution to absolute candor does not imply that failure to obey every rule and regulation of the Academy involves a moral delinquency. Many such failures are military offenses without moral significance, but lack of truth and candor shows deficiency of manhood and is not tolerated.[66]

Notwithstanding a continued reference to the necessity of separating honor and regulations, there is evidence of a great overlap in the 1920's. Elvin R. Heiburg, USMA 1926, describes the duties of Officers of the Day and Officers of the Guard while he was a cadet.

> "Cadet Officers of the Day and Officers of the Guard were required to report any violation of any regulation that came to their notice, and at the end of the tour to sign a certificate that they had done so. They even had to report a cadet who swore in their hearing. As a result, the ODs and OGs always carried keys with the key ring looped over their swords and jangled them as loudly as they could to warn cadets of their presence. At the Mess Hall, the Cadet OD or OG would eat with head lowered so as not to see anything he would have to report—and others at his table would remain quiet to prevent an inadvertent swear word ('improper expression')."[67]

Other examples of the overlap during this period were that the wearing of borrowed clothing at an inspection was an honor violation, and an absentee from a formation was honor bound to report himself. Honor Chairmen of the 1920's and 1930's consistently indicate a struggle with the Tactical Department to keep items such as the wearing of the uniform out of the domain of honor.[68]

Into the 1940's the same issue is recurrent—either too few or too many regulations are enforced by using the cadet's honor. In 1946, General Eisenhower addressed the issue in a letter to the Superintendent:

> ". . . it seems to me . . . important that individuals now at the Academy, both officers and cadets, clearly and definitely understand that the Honor System is something that is in the hands of the cadets themselves, that it is the most treasured possession of the Point, and under no circumstances should it ever be used at the expense of the cadets in the detection of violations of regulations."[69]

That same year, the Honor Chairman recommended that all of the "poop sheets" delineating what was and what was not honor be eliminated and that the system be reduced to the requirement that a cadet simply not lie, cheat, or steal.[70]

One result of this strong lobby for a separation of honor and regulations was the formation in 1948 of the Duty Committee. Its mission was to encourage and safeguard the cadet's "duty concept," and to conduct hearings of cadets who had committed flagrant violations of regulations. This Committee was in effect until 1952, when it was discontinued for general lack of support.

Throughout the 1950's Honor Chairmen warned against excessive enforcement of regulations with honor. In 1957, the Honor Chairman's statement on this issue reflected that of the 1946 Chairmen quoted above; in essence, the 1957 Chairman contended that a cadet should adhere to the "spirit" of the Honor Code as opposed to being required to live by a "laundry list" of "do's and don'ts."[71] This conflict continued into the 1960's as reflected in this statement by the 1962 Honor Chairman:

> "Tactical Department decisions were contrary to what was desired by the Committee and were presented in a very poor manner. As a result the Corps feels that the Tactical Department is using the Honor System against them to enforce regulations and therefore holds little respect for the system."[72]

In the spring of 1962 a survey of the Corps indicated a negative attitude toward the Honor System in general, one of the major contributing factors being the perceived efforts of the Tactical Department to enforce regulations with honor.

In 1963-64 there was a major simplification of the Honor System. The pervasiveness of the "all-right" and the absence card were reduced, certain reports requiring cadet signature were changed, and officers were asked to be more sensitive toward asking questions which "used the cadet's honor against him." Indications are that these changes were well received by both cadets and members of the Tactical Department.

Surveys similar to the one taken in 1962 were not taken again until 1969, but the results indicate that cadets were much better satisfied with the relationship between honor and regulations than in the past. Even so, this issue continues to be a sensitive one, and small changes are made each year to try to maintain the balance.

(b) The "All-Right." An interesting aside to the honor and regulations issue is the development of the "all-right." It is interesting because in the controversy that has raged around the degree to which the Tactical Department should "use" honor to enforce regulations, the "all-right," which is a device used to do precisely that, has remained an area of relative calm. Apparently, the "all-right" originated around the turn of the century and the giving of the "all-right" by a cadet meant the following:

(1) He was on limits.
(2) He was not hazing.
(3) He had no narcotics.
(4) He had no liquor.
(5) He was not gambling."[3]

In some cases the rendering of the "all-right" indicated that he had not done any of the above for a certain specified period of time such as Call to Quarters at night. The "all-right" continued to be used in this form with an accompanying absence card until 1963. The most popular rationale for its use has been that in return for being granted certain privileges such as leaving his room at night, or going on leave, the cadet should allow his honor to be used to enforce compliance with the rules of conduct involved.

Despite the acceptance of the extent of the "all-right" and absence card for a number of years, in 1963 their coverage was reduced to encompass cadet limits only. Since that time it has meant simply that the cadet is authorized to be where he is when he renders the "all-right" or in the case of the absence card, he is going to the destination which he indicates on the card.

(c) "Bedstuffing." The issue of "bedstuffing" is representative in that it demonstrates quite clearly that the idea of what constitutes "deception," and thus an honor violation, has fluctuated violently over the years. "Bedstuffing" is the term used for causing a bed to give the appearance that a body is in it by "stuffing" it with objects such as comforters or pillows. It is done by a cadet who wishes to leave his room at night without being detected by the inspector. When cadets are in their rooms, their absence card may be left unmarked. If they leave their rooms without marking the absence card "authorized absence," they are subject to being reported by the inspector. But if a cadet leaves his room with his bed "stuffed" and his card unmarked, the unconscientious inspector will believe that he is asleep in the room and not report him. In some years this action has been considered an honor violation, while in others a violation of regulations. It was a violation of regulations in 1921 in this entry in Orders, USMA:

> Deliberate deception in placing a dummy in his bed for the purpose of escaping detection while absenting himself from his barracks at an unauthorized time, 4th instance.[74]

In 1928 the Honor Committee changed the policy and declared that "bedstuffing" became an honor violation; then in 1948, it reverted to regulations under which it remained until 1956, when the Honor Committee made this statement:

> "Bedstuffing, done in any manner so as to give the impression that a cadet is present in his own bed will be considered a violation of honor."[75]

In 1963 it reverted to the domain of regulations once again, resulting from a

> . . . feeling that it was the inspector's responsibility to ascertain if, in fact, the bed was occupied by a live body, but that he could not be expected to determine each occupant's identity.[76]

This general philosophy has been predominant until present.

(6) Toleration. Toleration is an action, or better inaction, on the part of a cadet that may be manifested in two different situations. One is pre-Honor Committee hearing when the cadet decides not to report a suspected violator of the Honor Code to the Committee, and the other is post-Honor Committee hearing when he decides to condone the retention in the Corps of an honor violator.

Toleration has been an implied violation of the Honor Code since at least the turn of the century, and in 1970 it was made a part of the statement of the Code. This turn of the century view is from the 1908 Bugle Notes:

> ". . . and that the high standards of integrity for which the institution is famous cannot be maintained if toleration for such is known. A thief, a liar and a coward cannot be extenuated in the eyes of the Corps, and it is no part of the function of West Point to become a reformatory of morals."[77]

The gist of the above is reflected in Bugle Notes, Howitzers, Regulations, USCC, Honor Committee SOPs, and almost every other official reference to the Honor Code from 1900 to present. In fact, no statement by any former member of the Corps has been found that indicates that non-toleration is not an implied part of the Honor Code.

The only real issue then is to what degree non-toleration has been practiced by the Corps. This is an elusive issue, and one which can only be accurately pinpointed through comments by cadets from different year groups. In questionnaires distributed to Honor Chairmen and other selected members of the cadet chain of command from 1920 to present all indicate that non-toleration was a part of the Code; however, a few go on to say that they do not believe the Honor Committee would have found a man guilty of "tolerating."[79] Almost all Honor Committee determinations of violations of non-toleration have been in conjunction with cheating cases in the Academic Departments, which is circumstancial evidence supporting the conclusion that cadets are reluctant to report suspected violators.

Those cadets who have accepted the Honor Committee determination in honor cases as the final decision have manifested non-toleration through the "silence" in cases in which Committee-determined violators were returned to the Corps. The reason for this reinstatement of the violator has often been because of the reversal of an Honor Committee decision by a UCMJ proceeding or an Officer Board. The "silence" is a symbolic action that the violator, though physically present, does not exist in the eyes of the cadets and is therefore not tolerated by them. These "silences" have not always been uniformly honored by all members of the Corps, and in fact the use of the "silence" has periodically come under fire. In 1973 the "silence" was officially denounced by the Honor Committee with the support of the Corps, although there are indications that not all cadets were canvassed on the issue.[80] The result has been a modification of the traditional role of the Honor Committee as the final authority in the eyes of the Corps with regard to questions of honor. If the Committee is the final cadet authority on the determination of honor violations, then the absence of the "silence" implies Corps toleration.

5. CONCLUSIONS.

Contrary to the popular belief, there have been frequent changes in the statement, interpretation, and application of the Honor Code. If there is a single pervasive issue, it is that a cadet is taken at his word.

APPENDIX 1 - Personnel to Whom Questionnaire was Distributed
APPENDIX 2 - Questionnaire

ENDNOTES

1. LTC Roger Nye, "An Insubordinate Response".
2. USMA, *Superintendent's Annual Report*, 1922, 6.
3. "Traditions and Customs of the Corps," (USMA: USMA Printing Office, 1920), 1.
4. Letter from the Adjutant, USMA to Univ of Chicago, May 9, 1905, USMA Archives.
5. *Ibid*.
6. Letter from the Superintendent, USMA, to Stanly Shugart, April 8, 1907, USMA Archives.
7. R. Griffith, "The History of the Honor Code and System, 1850-1900," 9.
8. Letter from the Superintendent, USMA, to the Commandant, USMA, Sep 4, 1907, USMA Archives.
9. Letter from Department Heads, USMA to Superintendent, USMA, May 11, 1926, USMA Archives.
10. Letter from Department Heads, USMA to Commandant, USMA, June 28, 1926, USMA Archives.
11. *Ibid*.
12. Tactical Department Files, 1924-45, "The Honor System," USMA Archives.
13. *Ibid*.
14. "Standard Operating Procedure," 1953 Honor Committee, Honor Chairman Files.
15. "Standard Operating Procedure," 1954 Honor Committee, Honor Chairman Files.
16. Questionnaire of BG John Hill.
17. *Bugle Notes*, 1922, 21.
18. Questionnaire of BG John Hill.
19. Howitzer, 1924, 437.
20. Howitzer, 1923, 420.

21. Memorandum from the Commandant, USMA, to Superintendent, USMA, July 16, 1924, USMA Archives.

22. Honor Chairman, 1928, from *Honor Book, USCC*.

23. LTC Richardson, 1931, from *Honor Book, USCC*.

24. Honor Chairman, 1928, from *Honor Book, USCC*.

25. *Howitzer*, 1937, 414.

26. Questionnaire, Robert Powers.

27. *Ibid*.

28. *Ibid*.

29. Questionnaire, BG John Hill.

30. *Ibid*.

31. *Ibid*.

32. *Ibid*.

33. There have been exceptions to this policy. See Paragraph 4(b)(3), page 9.

34. Honor Chairman, 1931, from *Honor Book, USCC*.

35. Questionnaire, Andrew J. Boyle.

36. Questionnaire, LTC Dale Rhuby.

37. Report of the Honor Review Committee, 1964.

38. "Honor Committee Procedures," Tactical Department Files, USMA Archives, 22 Oct 1948.

39. *Bugle Notes*, 1922, 21.

40. Honor Chairman, 1930, from *Honor Book, USCC*.

41. Letter from Honor Chairman to Superintendent, USMA, 30 Jan 1946, USMA Archives.

42. *Ibid*.

43. "Honor Guide for Officers", USMA Press, 13 Aug 1958, 7.

44. Superintendent, USMA as quoted by Honor Chairman, 1929, Honor Book, USCC.

45. Honor Chairman, 1928, from Honor Book, USCC.

46. Honor Chairman, 1954, Ibid.

47. Conversation with William Reid, Honor Chairman 1975, 17 Mar 75.

48. "Report of the Honor Review Committee", 1959

49. Ibid, 1961.

50. R. Griffith, Ibid, 5.

51. Letter from Morton C. Mumma to Commandant, USMA, 10 Feb, 1899, USMA AG Files 315, 1899.

52. Bugle Notes, 1923, 35.

53. Questionnaire, BG John Hill.

54. Honor Chairman, 1928, from Honor Book, USCC.

55. Questionnaire, William Whipple, Jr.

56. Bugle Notes, 1935, 54.

57. Honor Chairman, 1935, from Honor Book, USCC.

58. Howitzer, 1941, 460.

59. Questionnaire, Samuel White, Jr.

60. Questionnaire, William J. McCaffrey.

61. Letter from General Maxwell Taylor, Chief of Staff of the Army to the Superintendent, USMA, 1 Nov 1956, USMA Archives.

62. Questionnaire, LT Thomas Lubosynski.

63. Ibid.

64. LTC Roger Nye, op cit

65. Ibid.

66. Bugle Notes, 1919, 24.

67. Questionnaire, Elwin R. Herburg.

68. Questionnaires, William Whipple and Gordon P. Larson.

69. Letter from General Dwight D. Eisenhower to the Superintendent, USMA, 2 Jan 1946, USMA Archives.

70. Honor Chairman, 1947, from Honor Book, USCC.

71. Honor Chairman, 1957, Ibid.

72. Honor Chairman, 1962, Ibid.

73. Honor Chairman, 1924, Ibid.

74. SO 53, para 1, Headquarters, USMA, 1921, from Orders, USMA, USMA Archives.

75. Letter from Thomas J. Hayes, Honor Chairman to Commandant, USMA, 18 July 1965.

76. Ibid.

77. Ibid.

78. Bugle Notes, 1908, 27.

79. Questionnaires of Alexander George, William Whipple, and Jack Wood.

80. Conversation with William Reid, Honor Chairman, 1975.

BIBLIOGRAPHY

Anon. "How has Honor Changed since 1920?" Unpublished essay, USMA, Undated.

Department of Tactics, USMA. *Classification of Delinquencies*. West Point: USMA Press, 1922.

____________________. "Tactical Department Files - Honor Code and System." Unpublished records, USMA, 1924-1974.

Eisenhower, Dwight David. "Letter to MG Maxwell Taylor, Superintendent, USMA." Unpublished, 2 January 1946.

Hayes, Thomas J. "The Development and Explanation of the Current Concept of the Honor System as Regards Bedstuffing." Unpublished essay, USMA, 18 July 1965.

Honor Committee, 1949. "Honor Committee Procedures." Unpublished instructions, USMA, 22 October 1948.

Honor Committee Chairmen, USMA. *Honor Book*. Unpublished essays, USMA, 1922-1974.

Honor Committee, USMA. "The Honor System of the Corps of Cadets." Unpublished policy statement, USMA, December 1951.

Lough, Frederick C., *et al*. *Report of the Honor Review Committee*. Unpublished, USMA, 1958-1975.

Morton, W.J. "The Honor System at West Point." Unpublished essay, USMA, 5 November 1945.

Mumma, Morton C. "Letter to the Commandant, USMA." Unpublished letter, USMA, 10 February 1899.

Nye, Roger. *An Insubordinate Response*. Unpublished PhD Dissertation, Columbia University, 1969.

Taylor, Maxwell D. "Letter to Superintendent, USMA." Unpublished letter, USMA, 1 November 1957.

________________. *West Point Honor System*. West Point: USMA Press, 1949.

United States Military Academy. *Bugle Notes*. 1908-1974.

____________________. *Honor Guide for Officers*. West Point: USMA Press, 1958.

____________________. *The Howitzer*. 1923-1974.

United States Military Academy. "Questionnaires: Honor Committee Chairmen, 1920-1974; Commandants of Cadets, 1940-1974; Deputy Commandants of Cadets, 1940-1974; Randomly Selected Members of the Cadet Chain of Command, 1920-1959." Superintendent's Special Study Group on Honor at West Point, USMA, 1974-1975.

____________________. Regulations, USCC, 1900-1974.

____________________. Superintendent's Annual Report, 1850-1974.

Walpole, Mark and Robert Griffin and Harold Wilhite. The History on the Honor Code and System, 1850-1968. Unpublished essays, USMA, 1968.

APPENDIX 1

PERSONNEL TO WHOM THE QUESTIONNAIRE WAS DISTRIBUTED

1. HONOR COMMITTEE CHAIRMEN, 1924-1975.

Year		Chairman
1924		John G. Hill
1928		David W. Traub
1930		William Whipple, Jr.
1932		Frederick R. Young
1933		Gordon Larson
1935		David H. Gregg
1936		Charles B. Stewart
1937		Eugene J. Stann
1938		John R. Jannarone
1940		Robert H. Warren
1941		William T. Seawell
1943	(January)	Merle L. Carey
1944		Paul Kutchinski
1945	(June)	Harle H. Damon
1946		Dwight C. Burnham
1947		W. O. Hauck
1948		Lee T. Doyle
1949		Francis A. Wolack
1950		Nathaniel A. Callagher
1951		Stanley M. Umstead, Jr.
1952		Thomas Collier
1953		R. Lee Crosby
1954		Thomas C. Young
1955		Robert D. Wiegand
1956		Joseph M. Dougherty
1957		Charles E. Lea
1958		Dale E. Hruby
1959		H. Emmett McCracken, Jr.
1960		Roy O'Connor
1961		Bob Glass
1962		George Schein
1963		Homer J. Holland
1964		Dennis K. Culp
1965		Stanley G. Genega
1967		Jack B. Wood
1970		Mark Q. Barbour
1972		Robert D. Powers
1973		F. Thomas Lubozynski
1974		Rick Schwamb

2. RANDOMLY SELECTED MEMBERS OF THE CADET CHAIN OF COMMAND.

COL Alexander George
LTG A. G. Trudeau
BG E. R. Heiberg
MG T. A. Lane
COL Oscar B. Beasley
COL Daniel L. Hine
LTG Andrew J. Boyle
COL John G. Eriksen
MG Charles M. Mount, Jr.
COL James G. Healy
COL Edward F. McCabe
MG Charles E. Spragins
LTC Samuel White, Jr.
Dr. Richard J. LeCroy

3. FORMER COMMANDANTS.

MG Frederick A. Irving
MG Philip E. Gallagher
MG Gerald J. Higgins
GEN Paul D. Harkins
GEN John K. Waters
GEN John H. Michaelis
GEN John L. Throckmorton
LTG Charles W. G. Rich
GEN Richard G. Stilwell
GEN Michael S. Davison
BG Richard P. Scott
GEN Bernard W. Rogers
MG Sam S. Walker

4. FORMER DEPUTY COMMANDANTS.

MG John W. Harmony
MG Harry L. Hillyard
LTG William J. McCaffrey
LTG Julian J. Ewell
LTG Albert O. Connor
MG Kenneth W. Collins
BG Robert M. Tarbox
MG John G. Wheelock III
MG John W. Morris
COL Algin J. Hughes
BG William L. Webb, Jr.
COL Burke W. Lee

APPENDIX 2 (QUESTIONNAIRE) to ANNEX A (HISTORICAL DEVELOPMENT)

NAME ______________________________ USMA Class __________

QUESTIONNAIRE

I. Describe the mechanics through which an honor violation was reported, the cas
dealt with, and the violator dismissed.

II. What was implied when a cadet rendered an "all right"?

III. A. Was there a policy of giving a "second chance" to violators of the honor code by any of the below? (If so, circle the number(s).)

(1) Some other cadet with knowledge of the offense.
(2) The Chain of Command.
(3) The Honor Representative.
(4) The Honor Committee?
(5) The Commandant or his representative.

B. If a second chance was given, was it for one of the following reasons? (Circle the applicable reason(s) and expand, if possible.)

(1) A good and honorable record as a cadet.
(2) Because it was a first offense.
(3) It was a small offense such as a "white lie".

C. If you recall the details of any specific case involving the above, please indicate them below.

IV. Was failure to report an honor violation on the part of another cadet considered an honor violation in itself?

V. To what extent was the honor code entwined with regulations? (How pervasive was the honor system?)

ANNEX B (PURPOSES) to Report of Superintendent's Special Study Group on Honor at West Point.

1. PURPOSE OF THE COMMITTEE. To conduct research and evaluation of the basic purpose of the Cadet Honor Code and System at the United States Military Academy.

2. ORGANIZATION. The committee consisted of one officer from the Department of Tactics, the First Captain of the Corps of Cadets and a member of the 1976 Honor Committee. The members of the committee were:

Major I. Reilly, Tactical Officer
Cadet J. Abcouwer, First Captain USCC
Cadet L. Keene, Member, Class of 1976
Honor Committee

3. METHODOLOGY.

The Committee conducted original research using the archives of the USMA library plus reports, documents and surveys conducted by the Director of Institutional Research. A survey was conducted by the cadets in the Class of 1975 and 1976 as outlined in Appendix 1 using a sample from all four classes and the officers stationed at USMA.

4. DISCUSSIONS OF TOPICS/AREAS OF RESEARCH.

a. Historical Perspective of the Purpose of Honor at USMA.

Honor in the military society, in one form or other, has been with us since the earliest days of history: the Greeks and Romans for example placed considerable emphasis on the martial virtues in the citizen - soldier. The Judaic-Christian philosophy as well recognized the unusual need for courage, constancy, and integrity in the fighting man. Their philosophies became intermingled during the Middle Ages and a code of chivalry evolved which prescribed high standards of ethical conduct for knights. During the period of the American Revolution, the British Army Regulations were a combination of the chivalric code of the aristocratic officer class and the precepts of the English common law as prescribed by the Parliament. From these concepts came the foundation of our own military concepts of honor. Thus our present day concepts of honor represent the American interpretation of age-old customs, philosophy and law. The virtues that we espouse in the fighting man, particularly the officer, are character and integrity. Thus one of the objectives of the Military Academy is to insure that each graduate possesses strong character, unimpeachable integrity and moral standards of the highest order. The Cadet Honor Code and System is considered a primary vehicle for developing these attributes.

To insure that we have a base for examining how the precepts of honor at West Point developed, we need to briefly examine the purpose of the code during different time periods.

It is well documented that the code - duello was the concept of honor held during the mid-19th Century and most likely had the most profound effect on honor at West Point. It basically defined what qualifications were necessary for gentlemanly and honorable conduct. It was at best an unwritten law-of-the-land. However, in 1816, Captain Alden Partridge, then Superintendent, dismissed a cadet for lying and publicly stated that lying and dishonorable conduct would not be tolerated at the Military Academy. Here, we have the first publicly recorded pronouncement of non-tolerable behavior. Colonel Sylvanus Thayer and other officers after him defined honor as it pertained to those virtues expected of an officer in the Army. As Colonel Thayer quoted from a book (unidentified in the archives) he bought during a visit to France:

> "This honor consists in neither doing nor thinking anything unworthy of a brave and virtuous soldier, and in being always true in word and deed."

The concept of honor, then, was introduced to West Point by officers from the Army who had an abiding belief that all officers should be truthful. The unwritten code - duello on the other hand categorized lying, cheating, and stealing as dishonorable conduct. Thus the official purpose of honor during this period at USMA was to produce truthful officers in word and deed.

As further documentation of this, the Superintendent, in a letter dated 9 October 1905 wrote to a Miss Glady F. Meyer:

> ".... it is necessary to go back to the history of the American Army to find the origin of the honor system at the Military Academy. The First Articles of War prescribed conduct unbecoming an officer and a gentleman and this fact set the standard. .... Cadets were appointed in the American Army in 1794 and at the Military Academy in 1802. As prospective officers of the Army they had a code of morals and manners derived from the customs of the service which were enforced among themselves as customs are enforced in any society."

It should be noted that during this early period cheating was not considered a dishonorable act as evidenced by excerpts from the then USMA Adjutant in a letter to a Mr. Robert Torns, University of Chicago in 1905:

> "It is not a point of honor with cadets not to obtain information unauthorizedly. By this, I mean that if a cadet is ever caught cheating his punishment while very severe does not necessarily include dismissal from the Military Academy.... The honor system which we have evolved is essentially this and only this: that the word of a cadet is never questioned."

Soon thereafter, however, the view shifted. On 4 September 1907, Order A 2283-1 was published by Captain J. S. Herron, then Adjutant for the Superintendent which states:

> "With the object of furthering this policy, the Superintendent directs that hereafter in the section room, either at oral recitations or at written recitations all cadets shall be considered on honor to receive no information concerning their recitations on the blackboard or the submission of a written recitation or exercise whether signed or not. It will be accepted without question as the individual work of the cadet preparing or submitting it, unaided by an improper or unauthorized assistance."

Although this was the first time that cheating was formally considered a part of the Honor Code, it was not until 1926 that the Academic Board gave their approval to the inclusion and 1935 before the Superintendent and the Academic Board resolved their administrative difficulties with the cheating concept. It should be noted, however, that the purpose remained the same; to produce officers with character and integrity. As the document entitled Honor System, US Corps of Cadets, dated 6 December 1944 reiterated:

> "Honor is a fundamental attribute of character. Honor is a virtue which implies loyalty, courage, truthfulness, self respect, justice and generosity. It's underlying principle is truth. A cadet is truthful by act and by implication. A cadet in training for service as an officer subscribes to the proverb, "A hundred years cannot repair a moments loss of honor. Honor then must be the guiding principle for all officers and cadets."

This concept was further clarified in a memo to the Chief of Staff from the Commandant of Cadets on 22 October 1955:

> "The development of character and integrity in the members of the Corps of Cadets is the primary mission of USMA. The Cadet Honor Code and System is officially recognized as a primary means by which this character development is accomplished."

It can be concluded then that the official purpose of honor, in all its code and systemic manifestations from the inception of the Military Academy until present has undergone very little change. The Code itself has evolved from an informal one by which officers lived to a formal one which became cadet oriented and was expanded for Academy purposes to embrace and define cheating and toleration of it as attributes of dishonorable men.

b. Present Day Perception of the Purpose of Honor at USMA.

The preceding discussion involved the institutionalized version of the purpose of honor at West Point. But some important questions still remain: How is honor perceived today by cadets? Officers? Does the Honor Code and System fulfill the same purpose today as in the past? Is it intended to? Where should honor be in the academic system? In the disciplinary system? Answers to these questions were sought in two independent surveys: one performed by the Office of Institutional Research in April 1970 and the other by this Committee in the Fall of 1974, the results of which are discussed in Appendix 1.

The earlier survey which compared data from the First Class Questionnaire in 1960-1963 with a survey conducted of all classes during Re-Organization Week of 1969 concluded that:

> "Cadet attitudes toward the Honor Code and System at USMA are very high at the present time. A steady decline had been noticed from 1957 to 1963 suggesting that the concept was falling into disfavor. The Classes of 1969 to 1973 have completely reversed the negative slide and the opinion of cadets has risen again, to the level of the 50's."

Although many explanations for the conclusions were given, ranging from changes in the Honor System such as elimination of the five points and the reduction in the distinction between violation of one's honor and violation of regulations to the status of "esprit d'honore," there was no conclusive evidence to explain the upswing of the positive attitudes toward the honor concept at USMA. We can, however, conclude from the survey that somewhere between 1963 and 1969 the concept of honor underwent a revitalization in the *minds* of the cadets.

The survey conducted by this Committee generally shows that the concept of honor is positively held among the Corps in all classes. In comparing officer versus cadet views on each of the questions asked we find a strong correlation in each group regarding the purpose of honor at West Point. The following is a brief analysis of the responses to the Survey.

(1.) *What is the purpose of the Cadet Honor Code*? Both cadet and officers agreed that it was to provide an ethical standard for future officers and to develop personal integrity in the individual. The officers and cadets disagreed on the perceived cadet view of the Code/System being used to enforce the regulations. Cadets generally split on whether this was good or bad. A majority of the officers reject the idea that the Code/System is used to enforce regulations. They generally agree that enforcement of regulations is not the issue but rather that the System makes cadet life easier by permitting cadets more freedom than they otherwise would have. The use of the absence card rather than a sign out book is a frequently cited example.

(2.) Does USMA accomplish the above? Officers and cadets agree that the Code/System does accomplish its purpose at USMA, but the officers have some reservations about it being as effective as it was in the past. This is borne out in some of the recent Honor Review Committee Reports in which increased concern is expressed over cadet perceptions of honor, especially in the classroom. Again, the cadets were concerned about the purpose of honor at West Point being subverted through its use to enforce regulations.

(3.) What is the purpose of the Honor System as applied to the Honor Code? Cadets generally see the need for the Honor System but, nevertheless, many resent it. A majority of the cadets interviewed believe the Code belongs to them and the System to the officers. Officers on the other hand, see the System as the method by which the Code is taught and the means by which the ideals of the Code are enforced. All officers interviewed believe the Code belongs not only to cadets but all officers within the Army.

(4) What changes in the basic purpose and/or administration have you detected between your first understanding of the Code and the present time? Cadet responses to this question fell into two major categories: Some believed that a high degree of honor was instilled during New Cadet Training but eroded after joining the Corps. (This was confirmed by the 1970 survey except that subscription to honor concepts rose during First Class year.) This erosion, the Committee detected, was apparently due to the administration of the Code through the Honor System as perceived by the cadets. The second group believed the administration of the Code was improving through better understanding.

The officers observed four main differences. First, cadet attitude toward the honor system appears to have changed. Many believed cadets viewed the system as akin to regulations, e.g., "catch me if you can" philosophy. The second difference cited was the increased bureaucracy of the system which tends to gain greater emphasis than the spirit of the code itself. This was believed due to the external pressures placed on the system by the lawyers and the courts. The third difference was a perception that peer ties and friendship were more important than honor. The final area was that of officer intervention through officer boards and command pressure. Many believe this has weakened the system.

(5.) Does the non-toleration clause contribute to the Code? Most cadets believed the toleration clause is effective and should not be changed. A second group believed that it curtails involvement because the penalty of separation is too harsh although they believe in non-toleration with some modifications. These are: (1) lowering the penalty from separation to a reprimand in some cases: and/or (2) rather than turning someone in for honor the reporting cadet should have the option of confronting the offender. A final group believed the non-toleration clause is useless and should be eliminated. A minority of the officers believed the clause is useless and should be eliminated. A majority of the officers believed the clause was a positive contribution to the Code.

(6.) Is there a relationship between honor and regulations? Cadets agreed that honor should not be used to enforce regulations. Furthermore they believed that it occurred rarely. Most of the interviewed cadets expressed satisfaction with the relationship between honor and regulations as presently practiced, e.g., the absence card. Seventy percent of the officers believed that there is a relationship between honor and regulations but there was no consensus on what that relationship was. Many expressed the belief that a man was honor-bound to obey regulations in the Army without people watching him. Many officers believe that cadets use technicalities to circumvent regulations that border on violations of honor because cadets believe that honor and regulations should be distinctly separated.

(7.) Is there a relationship between honor and duty? Both officers and cadets overwhelmingly agree that there was a strong relationship between duty and honor. They believe that honor and duty were inseparable. A general consensus was that a man must do his duty honorably.

(8.) Is the honor code relevant today? Both officers and cadets answered, "Now more than ever."

5. CONCLUSIONS.

The official view of the purpose of honor at West Point and the working level view of the purpose of honor appear to be in accord. A problem has developed with the administration of the Code through the Honor System as the external pressures of the courts and recent Honor Board proceedings have created an uneasiness within the Corps. Many officers are also uneasy about what they perceive as a shift in the Corps concept of honor. The officers believe USMA is not accomplishing its mission of developing character and integrity through the honor system as effectively as it did previously. An example of this is the apparent laxness in cadet integrity within the academic environment and the use of technicalities by cadets to circumvent regulations in what normally would be considered an honor violation. The Corps-wide survey of cadet attitudes by the Attitudes Committee reflects a greater concern by the Department of Tactics (technicalities to circumvent regulations) that that of the Academic Departments (laxness) in this regard.

Although the non-toleration clause is one of the most troublesome items for cadets within the Code, the majority of them support the principle, as do the officers. Likewise, both groups see a strong relationship between honor and duty and view the Code as relevant in today's society. Although the Code is idealistic and rigid, there is considerable belief by both cadets and officers that this is a desirable feature of the Code in the training environment at USMA. The transfer of the idealistic code to a relatively more pragmatic code once away from USMA has not caused any major difficulty with the officers interviewed. Regarding the question of what the status of honor, in all of its manifestations, should be at West Point, there is clear sentiment that it should remain one of the focal points of the cadet's education.

It is apparent that a majority of the officers have bridged the gap between the relationship between regulations and honor which the cadets at present do not accept. Some education is needed to strengthen the working of the Code and its acceptance, where appropriate, in the area of regulations. The prevalent cadet view that there is a distinct cutoff between honor and regulations is over-simplistic. On the other hand, the institution must constantly be on guard for officers or cadets using honor as a method of enforcing regulations. The solution must fall somewhere between the two.

Appendix 1 - Analysis of Questionnaire given to Officers and Cadets at USMA Concerning the Honor Code

Appendix 2 - Interview Sheet

APPENDIX 1 (ANALYSIS OF QUESTIONNAIRE GIVEN TO OFFICERS AND CADETS AT USMA CONCERNING THE HONOR CODE) TO ANNEX B (PURPOSES)

1. The following methodology was followed in interviewing cadets and officers for a survey on honor that was conducted by the Purposes Committee of the Superintendent's Special Study Group on Honor.

a. The questionnaire (Appendix 2) was prepared by the Purposes Committee and approved by the Director of Research & Evaluation.

b. Cadets were selected by random sample of class and regiment.

c. Officers were selected by random sample of rank and department.

d. The Brigade Commander assigned permanent captains and members of the 1976 Honor Committee to conduct all interviews. In dealing with cadets, civilian attire or an informal cadet uniform (without rank) was used in many cases in order to put the cadet at ease and promote spontaneity. Officers were interviewed in their offices by cadets. Forty officers and eighty-five cadets were interviewed.

e. Various members of the 1976 Cadet Honor Committee analyzed and discussed the cadet questionnaires and produced a consensus report on the answers to the questionnaires by cadets.

f. The committee chief of the Purposes Committee analyzed the officer response and produced the consensus report on the answers to the questions by officers.

2. The following analysis refers to the questions that were asked of the officers:

a. What is the purpose of the Cadet Honor Code? Answer: An overwhelming majority of the officers answered that the Code/System is a training vehicle and learning experience in order to develop ethical standards for use as officers in the Army and a consciousness of personal integrity. Only one officer did not believe that the Code had any real purpose. Interestingly, a great majority of the officers reject the idea that the system is abused by enforcing regulations but rather believe that the Code makes cadets' life easier and gives them more freedom than they otherwise would have. All the interviewees were adamant that one of the purposes of the Code/System should not be to enforce regulations by using honor against an individual.

b. Does USMA accomplish the purpose? Answer: Although a majority of the officers (75%) believe USMA does accomplish its purpose with the Honor Code, there are serious reservations about it being as effective as it used to be. The reservations fall into the following comments:

(1.) Administration of the Code.

(2.) Not enough codification.

(3.) The Code is directed more toward punishment rather than production of honorable men.

(4.) Too many slip through due to "1." above.

(5.) Ideals may not carry over into Army.

(6.) Separation of formal code from personal morality.

(7.) Not as strict as it used to be; relaxation of standards.

(8.) Problem between honor and regulations as perceived by the cadets. The Honor System being just another thing to be beaten.

(9.) Code only assists in developing a man who has been brought up to believe a person does not lie, cheat or steal.

(10.) Cadets tend to lack the intense "feeling" for the Code that used to be prevalent.

c. What is the purpose of the Honor System as applied to the Honor Code? Answer: There was near unanimous agreement that the Honor System had two purposes. First, it is the method by which the Honor Code is taught; and secondly, it is the pragmatic way in which the ideals of the Code are enforced in an individuals daily life. All officers surveyed believed the Code belongs not only to cadets, but to all officers within the Army.

d. What changes in the basic purpose and/or administration of the Honor Code have you detected between your first understanding of the Code and at the present time? Answer: There were four main differences as viewed by officers. First, the attitude displayed by cadets towards the Honor System appears to have changed. It is now something akin to regulations, e.g., "catch me if you can" philosophy. A second major difference is the increased bureaucracy of the system which tends to gain greater emphasis than the spirit of the Code itself. This has been due to the legalistic pressures which have worked from outside the institution and are detrimental to the Code/System. A third major difference is that peer ties and friendship are more important than honor. This is counter to the non-toleration aspect of the Code. This indicates the system is less strict than it used to be. A fourth area is that of officer interference through officer boards and command pressure. Many believe this interference weakens the Code.

e. Does the non-toleration clause contribute to the Code? Answer: Of the forty officers questioned, three did not believe the toleration clause contributes and used the following arguments:

(1.) It runs counter to the purpose of developing personal honor.

(2.) There is no carryover into the Army.

(3.) It destroys loyalty to individuals and groups.

Of the remaining 37 interviewed, eight declined to answer, but 29 stated that it was very necessary to have non-toleration either tacitly understood or codified. The reasons given were:

(1.) It is essential to the administration of the Code.

(2.) It is the cement which holds the Code together.

(3.) It is what differentiates the Code from public law.

(4.) It forces a man to have absolute integrity and to demand those around him to have it.

f. Is there a relationship between honor and regulations? If so, what? Answer: A majority of the officers (28%) believed that there was a relationship between honor and regulations. There was no consensus on what the relationship was. The haziness develops in the conceptual context that a man is honor-bound to obey regulations in the Army without people watching over him. There appeared to be an uneasy belief in most officers that cadets use technicalities to circumvent regulations in what normally would be considered an honor violation because they want to have a distinct cut-off between regulations and honor, which in practicality is very difficult to achieve. All officers agreed that a man's honor should not be used against him, although if there were logical cause to ask a question, the question should be asked.

g. Is there a relationship between honor and duty? If so, what? Answer: Thirty-three officers basically stated that honor and duty are almost inseparable. Four officers did not believe there was a relationship because honor and duty are two separate systems. In their opinion honor is based on ethics and morality while duty is based on obligation to standards. The remaining officers had no comment on the question. It was on this question that the officers were the most positive of the relationship between honor and duty. Their arguments were identical in many respects in that they believed a man must perform his duty honorably.

h. Is the Honor Code relevant today? Answer: Thirty-nine officers questioned stated it was needed now more than ever due to the public mistrust generated by My Lai, Watergate, and the self-doubt that is in the Army today. Only one individual believed the code was too idealistic and rigid to be of any use in the Army today. Most officers readily admitted to it being an idealistic code being used in a non-idealistic society, but believed this code is a standard which all should attempt to achieve.

3. The following analysis refers to the questions that were asked of the cadets:

a. What is the purpose of the Cadet Honor Code? Answer: Most cadets believe that the main purpose of the Honor Code is to provide an ethical standard for future officers. They believe the Code develops a sense of personal integrity and honor in the individual. Cadets believe that the Honor Code should be directed in scope toward the day when cadets take their place in the Army as officers. The cadets interviewed want the Code to instill in them the moral fortitude that is essential to the profession of arms. Cadets also believe that a secondary purpose of the present Code is to help the officers enforce and administer the regulations of USMA. Of the cadets interviewed, they were evenly divided as to whether they felt this was good or bad.

b. Does USMA accomplish the above purpose? Answer: The vast majority of the cadets interviewed believed that the Academy did instill honor in cadets through the Cadet Honor Code. Many cadets had doubts concerning the staying effect of honor after they leave the Academy. They believe that the Code is highly idealistic, but that it should be that way. Although most cadets believe that the Academy does instill honor in cadets through the Code, they question such areas as having regulations enforced by honor. The best example is the improper question. Cadets perceive a difference between the Code and System and when cadets thought about the Code, they in fact thought of the System and saw the System as something to beat. This perception reduces the purpose of the Code. It was stated that the Code should have more significance than the System. Some cadets also believe that honor is a personal thing and that the Academy does not have a great influence on honor.

c. What is the purpose of the Honor System as applied to the Honor Code? Answer: Nearly all cadets see the System as a logical appendage to the Code. However, there is a large split on the question of whether the System is as it should be. It is nearly unanimous that the System provides the administrative machinery necessary to implement and enforce the Code. Most cadets see this as logical and necessary. However, a substantial number of responses saw the System as a burden imposed by the Chain of Command and officers, to make sure that the Code is followed, whatever the consequences. They see the absence card as a convenience to enforce regulations - placing a cadet in an untenable position by either breaking the Honor Code or being reported for unmarked card and then having to explain why. While nearly all cadets truly felt the Code to belong to the Corps, the general feeling was that the System belongs to the officers - and it is this System which carries the day-to-day punitive powers that some indicated they felt taxed their honor concept. There seemed to be a very negative attitude toward the System in many cadets.

d. What changes in the basic purpose and/or administration of the Honor Code have you detected between your first understanding of the Code and at the present time? Answer: Responses fell into two major categories. The first were those who felt that a high degree of honor is instilled during the New Cadet Training period and is eroded after joining the Corps of Cadets. Although this notion reflects a degree of cynicism, most of this group cited recent incidents of a shady nature: the end of the "silence," the Schwamb case, and a few mishandled boards. Thus, the administration is thought to be eroding, while the purpose is staying the same. The second group agreed that the purpose has not changed, but the administration is improving. They agreed that the administration has had a tough period, but has made excellent progress toward improvement. The higher regard almost universally came from an increased understanding of the administration of the Code through observing the boards in action.

e. Does the non-toleration clause contribute to the Code? Answer: The general opinion of the Corps is that the non-toleration clause is an essential part of the Honor Code. Although most see it as necessary and important, some view the clause as being counter-productive. The non-toleration clause is meant to keep cadets involved with and cognizant of the Honor Code; but many cadets believe that the clause does exactly the opposite and curtails involvement. Cadets have very close relationships with their classmates and some refuse to accuse a friend when the possible result will be separation. The alternatives offered are either lower the penalty from separation to some sort of reprimand, or rather than turn someone in for honor, confront the individual with regard to the latter proposal. A cadet should not be obligated to turn someone in, rather he should only be obligated to confront this individual with a warning. Approximately 50% of those interviewed believe the toleration clause is effective and should not be changed. Another 30% believe that one or both of the above changes are necessary in order to make the non-toleration clause effective. The final 20% believe that the non-toleration clause is useless and should be omitted from the Code.

f. Is there a relationship between honor and regulations? If so, what? Answer: Most of all the interviewees stated that honor should not be used against an individual as in asking a question when no evidence leads to or causes the question. However, a wide majority of them expressed a strong belief in support of taking punishment for what one does wrong and that no misleading statements should be made in written explanations or explanations to boards, officers, and other official actions. Most expressed the opinion that the absence card is necessary and supports a proper relationship between honor and regulations. Most cadets expressed satisfaction with the current relationship between the two and satisfaction with the application of honor in connection with regulations (use of one's honor against one does not happen often).

g. Is there a relationship between honor and duty? Of the cadets interviewed, only one believed that there was no relationship according to him, honor does not really exist in the Army, and the only important thing is to protect yourself. All other cadets believed that there definitely was a close relationship between duty and honor. Even though they were sure of this.

they all had trouble expressing what the relationship was or should be. For this reason, the cadet overview will at times seem fragmented and somewhat confusing.

The following paragraph outlines a general cadet view of duty in terms of honor:

It is a cadet's duty to be honest, not compromise his integrity, and to distinguish right from wrong. When this is not done, the individual responsible should be prepared to suffer the consequences. Proper execution of duty is dependent upon being truthful with oneself and others. To perform their duties, cadets and officers must not lie, cheat, or steal or be tolerant of those who do. Most cadets believe that the way to instill the above ideas is through the Honor Code. Not only should the Honor Committee be an enforcement agency, but it must also control indoctrination of new cadets; most importantly, it must conduct a continuous program of Honor education during a cadet's four years, in which cadets are required to make honorable decisions. In defining honor in terms of duty, honor is considered by most cadets to be necessary for the proper performance of duties and responsibilities. It is a duty to do something correctly, and most importantly, honor is a necessary and personal aspect of duty.

In the overall view, cadets believe Honor and Duty cannot really be separated. A high honor concept leads to a high duty concept and vice versa. Anything concerning duty should involve one's honor. These two intermixed ideas are considered by the Corps to be one of the main reasons for having the Code. Cadets also realize that the Honor Code is not an end in itself, but on the contrary prepares the cadet to perform his duties better as an officer/leader. It was mentioned often that while Duty and Honor are rather separated here, (to break Regs is condoned, whereas compromising one's honor is not), the two ideas seem to come together at graduation. Cadets believe they are being trained not only to have personal integrity, but also to set an example to others in the Army. For this reason it is a necessity to instill in a cadet a solid foundation of Honor and Duty for use as an officer.

h. Is the Honor Code relevant today? Answer: The majority of the cadets interviewed on this question believed that the Honor Code and System as it stands now is very relevant today, perhaps even more relevant today than before. For a leader to be effective and respected, he must be known for his integrity and sense of honor. In the military, situations may present themselves where a compromise of honor could lead to loss of life. In the civilian world, truth and honesty are essential elements of modern business transactions. Moral integrity, as developed via the Honor Code at West Point, is an important prerequisite for any future leader.

APPENDIX 2 (INTERVIEW SHEET) TO ANNEX B (PURPOSES)

Interviewer:

Name ______________________________

Rank ______________________________

Class ______________________________

Name ______________________________

Rank ______________________________

Class ______________________________

Co./Dept.___________________________

Date ______________________________

1. What is the purpose of the Cadet Honor Code? (Typical answers that can be used to initiate discussion)

   a. To instill honor in the Corps of Cadets

   b. To develop honor in the individual cadet

   c. To assist the officer corps in administering the Corps of Cadets

   d. To provide an ethical standard of behavior for the Army

   e. To foster a mutual band of trust between officers in the Army

2. Does USMA accomplish 1 above?

3. What is the purpose of the Honor System as applied to the Honor Code?

4. What changes in the basic purpose and/or administration of the Honor Code have you detected between your first understanding of the Code and at the present time?

5. Does the non-toleration clause contribute to the code?

6. Is there a relationship between Honor and Regulations? If so, what?

7. Is there a relationship between Honor and Duty? If so, what?

8. Is the Honor Code relevant today?

B-2-3

ANNEX C (ATTITUDES) to Report of Superintendent's Special Study Group on Honor at West Point.

1. PURPOSE OF THE COMMITTEE. To evaluate the attitudes that the public, the Army, cadets and staff and faculty have toward the Cadet Honor Code and System.

2. ORGANIZATION. The Attitudes Committee membership included the following individuals:

Major Eugene S. Andrews
Captain John N. Abrams
Cadet Robert E. Johnson
Cadet Daniel W. Krueger
Cadet Charles R. Layman
Cadet Volney J. Warner

3. METHODOLOGY.

a. The Attitudes Committee was primarily concerned with current attitudes of the previously mentioned populations and used the time frame from the period of the My Lai revelations (1969) to the present. The My Lai period was selected because it served to bring into focus both civilian and military reaction to the integrity of military leaders. The selection of this time frame also limited the amount of overlap with the Historical Development Committee.

b. The assessment of public attitudes was accomplished primarily through a review and analysis of the USMA Public Affairs Office media files, letters written to the Superintendent, and books written about West Point.

c. The attitude of the Army was assessed through a review and analysis of public statements, private commentary, studies, and other literature concerned with leadership doctrine and professional ethics.

d. The assessment of public and Army attitudes is far from being comprehensive. This is principally due to the limited value of relying solely on the views of those who have taken the time to express themselves in letters, articles or books and the questionable influence of published Army doctrine. The attitudes reflected in these sources may not be fully consistent with the current attitudes of the populations they are designed to serve. The lack of a more scientific assessment of public and Army attitudes increases the probability of postulating recommendations based on incomplete or distorted data. The solution to this problem would have been the administration of a survey to the populations in question; however, the lack of adequate time and resources available to the committee precluded such an approach.

e. The heart of the Committee's work centers on the assessment of the attitudes of the cadets and staff and faculty at West Point. It is the attitude of this population which most significantly impacts on the Cadet Honor Code and System. This task was accomplished by analyzing the results of a questionnaire administered to all cadets, and a significant number of officers and enlisted men who have had some contact with cadets. However, it must be recognized that since the administration of the questionnaire, December 1974, many of the attitudes may have shifted because of discussions and events prompted by the questionnaire itself.

4. DISCUSSIONS OF TOPICS/AREAS OF RESEARCH.

a. Public Attitudes.

(1) The primary sources of information available to the public on the subject of honor are newspapers and magazines. Typically, the articles published on the Code and System have been concerned with controversial honor cases such as the Pelosi and Boyd cases and the 1973 Physics Department scandal. Of these, the articles that are highly critical of the Code and System commonly reflect the personal and emotional aspects of the case with little or no appreciation of the evidence of the case considered by the Honor Committee. The criticisms which these articles levy generally focus on the alledged unfairness and inhumaneness of the System. For example, several of the articles covering the physics cheating cases of 1973 highlighted cadet life in the "Boarder's Ward" instead of addressing the fact that the concerned cadets were in fact guilty of committing a dishonorable act. On the other hand, the articles which show an appreciation of how the System works tended to be noncritical.

An example of this uncritical reaction is demonstrated in a meeting the author Kurt Vonnegut had with West Point's Public Affairs Officer, LTC Garigan, in the summer of 1973. Vonnegut indicated that he was going to write a book about Pelosi and demanded the official records of his honor case. He stated that he would focus on the bizarreness of the "Silence" and the unreasonableness of the system. Although the Department of the Army would not authorize the release of information to the author, he managed to get a complete file from Pelosi's former counsel. When Vonnegut learned the true facts of the case, he had a complete change in his attitude toward the system, described Pelosi as "a damn "cheater," and cancelled his plans for the book.

(2) Most of the letters West Point has received from the public reflect a high correlation with what they read in the media. Since most media articles deal with controversial cases, most letters come to the Academy in response to the reported cases. The letters usually reflect a very shallow understanding of the Code and System and are critical of its alleged unfairness and inhumaneness. Of the letters to the Academy and to the editors of publications which were not in response to a controversial case, most tended to be supportive of the Code and appreciative of its importance for the Academy and the Army. A case in point is a line from a letter to the editor in response to Terry Coleman's critical Los Angeles Times article of 21 October 1973: "The instillation of pride, honor, and discipline in the upbringing of our young people is a practice that, if more widely followed, would make this a better country today." Many letters, both pro and con which link the Code and System at West Point with integrity in the Army, are also worthy of note.

(3) Books written about West Point that have made mention of the Honor Code and System are usually one of two types. There is one that provides the traditional and positive support of West Point and the Honor Code and System. These are usually older publications and have been written by people loyal to West Point or graduates who have had very successful Army careers. More often than not, these books were published prior to the post Vietnam era. Examples include West Point, The Men and Times of The United States Military Academy by Thomas J. Fleming (1969); West Point, Its Objectives and Methods by Maxwell D. Taylor (1947); and Duty, Honor, Country: A History of West Point by Stephen E. Ambrose (1966). On the other hand, the post Vietnam publications reflect some of the popular anti-military sentiment and generally portray the Honor Code and System as unreasonable and not consistent with real world values and practices. Books in this category include West Point, America's Power Fraternity by K. Bruce Galloway and Robert B. Johnson, Jr. (1973); Ivory Fortress: A Psychiatrist Looks at West Point by Richard C. U'Ren (1974); and The Red Blaik Story by Earl Blaik and Tom Cohane (1974).

Many of these books were written by West Point graduates or persons closely affiliated with West Point prior to publication. One can safely assume that the highly critical books are more popular today than the laudatory ones and that authors were writing for the best current audience.

b. Army Attitudes

(1) Without the benefit of an Army-wide survey and based on the data available, it can logically be inferred that the Army does have a positive regard for the Code and System. This inference is based on the emphasis that has been placed on the ideal of integrity in the Army. As a matter of fact the origins of the Honor Code can be traced back to the "gentlemen's code" which was popular in the Army of 1802. This ideal has been perpetuated by West Point graduates, it has frequently appeared in official leadership and professional ethics publications. The notion that an officer's word is his bond has been with us for some time and until recently, it has been unquestioned. (For a more detailed treatment of this subject see the Historical Annex).

(2) However, to put the Army's positive regard for the Code and System into proper perspective it is particularly important to note several caveats:

(a) Since the West Point Code and System directly involve only future officers, to obtain a comprehensive Army view one must also consider how enlisted men perceive it. A reflection of these views was obtained in the questionnaire administered to enlisted men assigned to West Point, who have frequent contact with cadets (see paragraph 4.c.(20) and Appendix 3). Their attitudes are generally less idealistic than those of officers.

(b) Another consideration is to what degree the Army reflects the same uninformed attitude of the general public and what are the primary sources of its information. It must be assured that a soldier's knowledge of the system directly correlates with his proximity to and affiliation with West Point and cadets. The size of the military population at West Point in comparison to the Army is relatively small. Therefore, the number of people in the Army whose attitudes are based on current and first-hand accurate knowledge is also relatively small.

(c) The Army attitude is further complicated by a variance substantiated in two recent studies. The U.S. Army War College Study on Military Professionalism, 1970, resulted in at least three conclusions germane to the assessment of the attitudes of the Army regarding the Code and System. The study concluded that:

1. The ideal standard of ethical/moral/professional behavior as epitomized by "Duty - Honor - Country" is accepted by the Officer Corps as proper, meaningful, and relevant for the Army of today.

2. There are widespread and often significant differences between the ideal ethical/moral/professional standards of the Army--as epitomized by Duty-Honor-Country--and the prevailing practice.

3. The most frequently recurring specific themes describing the variance between ideal standards and actual behavior in the Officer Corps included distorted reporting of status, statistics, and officer efficiency.

(d) Major James W. Tyler in his graduate school thesis, A Study of the Personal Value Systems of U.S. Army Officers and a Comparison with American Managers, (1969), concluded that concepts related to success had a greater influence on behavior than those concepts related to ethics or feelings. The pragmatic mode of valuation was the operative value and the ethical and feeling modes of valuation, which included honor, served primarily to influence perceptions and determine how others would be judged. He suggests that among many Army officers the philosophy of the end justifying the means is more important than adherence to ethical standards such as honor.

c. USMA Cadet, Staff and Faculty Attitudes.

(1) Knowledge. Sixty-nine percent of the Corps indicated that their knowledge of the Honor Code and System is good to excellent. Although 70% stated that they had read the USMA pamphlets entitled The Cadet Honor Code and System, they indicated that most of their knowledge of the Honor Code and System was gained from lectures given by company honor representatives. Seventy three percent of the officers assigned to the Academic and Tactical Departments believe that their knowledge of the Honor Code and System is good to excellent. However, the USMA Headquarters and USAH officers indicated that they were much less informed. Over 70% of the officers, primarily from the Academic and Tactical Departments, have read the above mentioned pamphlet and have received an Honor Committee briefing.

(2) Impact on Individual Development. Fifty-two percent of the Corps indicated that the Honor System had significantly contributed to their personal development and 58% believed that it has been effective in imparting to cadets a sense of personal honor. Sixty percent of the cadets believe that the Honor System contributes to their officer development.

(3) Ownership of Honor Code. Forty-five percent of the Corps believes that the Honor Code and System belongs to the Corps of Cadets. A significant number attributed ownership to the Corps and USMA graduates (18%); the Honor Committee (14%); and USMA-cadets, staff and faculty (12%). Almost half of the officers see the Honor Code and System as belonging to the Corps, with 17% ascribing it to USMA cadets, staff and faculty. However, a full 25% of the USAH respondents see it as belonging to the American public compared to an average of only seven percent of the other three groups of officer respondents. In spite of the question of ownership, an average of 70% of both officers and cadets indicated that it was characteristic of them to defend the Honor Code when questioned about it while on leave.

(4) Adherence to Honor Code. In separate responses, 53% of the Corps indicated that they adhered to the Honor Code because of a fear of separation and 86% because of a strong sense of personal honor. Seventy percent of the cadets believe that the Code is not uniformly adhered to throughout the Corps. An average of 49% of the upper two classes indicated that adherence to the spirit of the Honor Code is less than what it was when they were fourth classmen, an average of 41% felt that it was the same as it was when they were fourth classmen, and an average of eight percent felt that it was more than what it was when they were fourth classmen. When responding to a similar, but non-comparative question, an average 64% of the upper two classes indicated that adherence to the spirit of the Honor Code is deteriorating. Sixty-two percent of all of the officers and 78% of the USMA graduates believe that cadet adherence to the spirit of the Honor Code is deteriorating. Forty-eight percent of the cadets and 64% of the officers believe that a demonstrated lack of integrity at the highest levels of government and among ranking military officers has contributed to this deterioration.

(5) Honor and the Army. Eighty percent of the cadets and 78% of the officers believe that honor at West Point is not congruent with what actually exists in the Army, and an almost equal number of each group believes that honor violations are punished more severely at West Point than in the Army. Also worthy of note is that 56% of the officers are of the opinion that West Point graduates reflect the spirit of the Honor Code in their daily performance as Army officers, while an average of only 30% of the USMA Headquarters and USAH respondents share this view.

(6) Enforcement of Honor Code and System. The cadets are almost evenly split regarding whether or not the Honor Code and System are realistically enforced, whether or not the Honor System is fair and just, and whether or not the Honor Code is too idealistic. The officers on the other hand were more definite in their opinions. Sixty-five percent do not feel that the Honor Code is too idealistic, 55% believe that the Honor System is fair and just, and 44% feel that both the Honor Code and System are realistically enforced by the Corps (31% disagreed with this and 20% remained neutral).

(7) Opportunities to Cheat. Fifty-two percent of the cadets and 56% of the officers are of the opinion that opportunities to cheat or otherwise violate the Honor Code must exist to provide the experience needed in making honorable choices. The majority (66%) of the Corps and officers reflected additional support for their opinion by opposing modification of academic procedures to limit the opportunity for cheating.

(8) Company Honor Representatives. The cadets indicated that, for the most part, company honor representatives were elected to their positions because of either their dedication to duty, popularity, or sense of personal honor. Their manner of interpreting honor (liberal or conservative) had little to do with their selection. Membership on the Honor Committee is viewed positively by 43% of the Corps and negatively by 30% of the Corps.

(9) Honor Violations. Although 29% of the cadets do not feel that the taking of ash trays or towels from restaurants and hotels are honor violations and 2[illegible]% also feel the same about quibbling, evasive statements or resorting to technicalities to conceal guilt, there is a significant majority who are in opposition to this attitude. Officers were not asked to deal with the ash trays and towels question, but 81% agreed with considering quibbling and the other items mentioned as honor violations. Quibbling, tolerating, and lying are viewed by both cadets and officers as the honor violations which are most frequently committed and not reported. Also worthy of note is that 67% of the cadets believe that "borrowing" from each other has contributed to an increase in stealing within the Corps.

(10) Toleration. Almost two-thirds of the Corps indicated that they would turn in a good friend for a clear-cut honor violation, but on the other hand fully three-quarters of the cadets would not turn in a good friend for a possible honor violation. In this regard, the Corps as a whole is almost evenly split on whether or not toleration should be an honor violation, with a slight majority (45% vs 43%) in support of it not being an honor violation. Seventy percent of the officers believe that toleration should be an honor violation.

(11) Plagiarism. One third of the Corps indicated that plagiarism should be treated as a "minor" honor offense and that punishment for it should be something short of separation. Fifty-four percent are opposed to this notion. However, in spite of this, almost 70% of the Corps believes that plagiarism should be handled by a different procedure than that used in other cases, because it is a highly complicated and technical issue. The under two classes supported a procedure which would have the case referred to a special board of cadets and officers, while the upper two classes favored a special board of cadets with a board of officers as an option. Another procedure receiving support of the Corps, but to a lesser extent, would have the case referred to a special board of officers from academic departments only.

(12) Discretion and Sanctions. Generally speaking, both cadets and officers support the use of discretion in the application of sanctions for honor violations. The extent and variance of support for this issue are reflected in the following sub-paragraphs:

(a) Sixty-seven percent of the cadets and 63% of the officers feel that the Honor Committee should have the power to award a lesser punishment for a violation which in its opinion does not merit separation.

(b) Sixty-two percent of the Corps and 54% of the officers indicated that some honor violations should be considered "minor" and therefore penalized by something short of separation.

(c) In response to a similar question, 49% of the cadets and 51% of the officers indicated their opposition to the notion of separating all cadets, regardless of the nature of the violation. Responses to the same question, but rephrased, remained virtually unchanged. However, it is important to note that even though many cadets and officers support discretion, there is a significant minority who oppose it.

(d) Two-thirds of the cadets and officers agree with the idea that cadets found guilty of an honor violation should be given a "second chance" under certain circumstances. The two circumstances receiving the most support from both officers and cadets in order of preference are:

1. Self-reported, first offense, any class, minor violations only (quibbling, half-truths, evasion).

2. Self-reported, any offense, any class.

This notion is corroborated by 68% of the cadets and 59% of the officers who indicated that a cadet who commits an honor violation and later reports himself should not receive the same punishment given to a cadet who is turned in by another cadet or officer.

(e) Fifty-five percent of the cadets and 51% of the officers are opposed to reintroducing the "Silence" as part of the Honor System.

(13) Board of Officers. Eighty-one percent of the cadets and 72% of the officers are opposed to having cadets appear before a board of officers for cheating without first going before the Honor Committee.

(14) Officer Assistance. Fifty-seven percent of the Corps indicated that they can effectively enforce the Honor System without officer assistance. Only 34% of the officers supported this position.

(15) Honor and Regulations. Seventy-eight percent of the Corps believes that honor is used to enforce regulations.

(16) Open Honor Committee Meetings. Eighty-two percent of the Corps indicated that observers should be permitted to attend Honor Committee meetings.

(17) Third Class Attitudes. The questionnaire showed that Third Classmen tend to be less supportive of the Honor Code and System. They are inclined to accept certain actions that are currently violations of the Code by about ten percent more than any other class. The Third Class also had ten percent more respondents who indicated that the Honor Code inhibited their personal growth and has been detrimental to their development as an officer. It appears as though they have significantly less faith in the honor procedures and considerably more disillusionment with the Honor Code and System. The attitudes of the Third Classmen may be a result of one or a combination of the following:

(a) Cynicism and apathy due to the lack of involvement in the system, a condition often referred to as the "yearling syndrome."

(b) A backlash against the number of Third Classmen separated for plagiarism.

(c) A reaction to the circumstances surrounding the graduation and non-commissioning of the Chairman of the 1974 Honor Committee, the man who provided them with the preponderance of their new cadet honor instruction.

(18) Officer versus Cadet Attitudes. In many areas addressed by the survey, the attitudes of the officers and the cadets were very much in agreement. The predominant opinion among both groups was that the Honor Code significantly contributed to their personal development. The attitude of both groups toward the Honor System at West Point versus honor in the Army is almost identical in seeing incongruity between the Academy and the Army. The cadets and the officers both feel that adherence to the Honor Code within the Corps is deteriorating - about 60% of each group. The most significant difference between officer and cadet attitudes is in the subject of enforcement of the Honor Code. The majority of the cadets feel that they can effectively enforce the Honor Code without officer assistance, while the majority of the officers were of the opposite opinion. Along with this, a significant number of cadets (47%) indicate that the Honor Code is too idealistic while 65% of the officers feel that it is not. A possible explanation for this diversity of opinion could be that the cadets are living under the Code day to day, while the officers are not.

(19) Comparison of Officer Attitudes. Officer respondents from Headquarters and Staff and USAH groups generally reflected a more liberal and less rigid attitude in their responses than did the Academic and Tactical Department respondents. The latter two were more conservative in their responses with the Tactical Department being a little more conservative than the Academic Department, except in the area of academics. These differences may be indicative of the fact that the Academic and Tactical Departments have more USMA graduates assigned, have more contact with cadets, and are more familiar with the Honor Code and System.

(20) Enlisted Men Attitudes. The enlisted men are generally not as familiar with the Honor Code and System as officers which is a probable explanation of why many of them took a neutral position in response to the items in the questionnaire. Due to the large number of neutral responses it is difficult to conduct any extensive comparisons with the officer attitudes. However, most of the enlisted men's responses were either similar to the officer responses or reflected a less idealistic attitude. It is important to note that the enlisted men did differ with the officers concerning whether or not West Point graduates reflect the spirit of the Honor Code in their daily performance as Army officers. Fifty-six percent of the officers and only forty-six percent of the enlisted men agreed with this statement.

5. CONCLUSIONS.

a. Due to the committee's lack of a more scientific method of measurement, the assessment of Army and public attitudes toward the Cadet Honor Code and System is incomplete.

b. The public attitude is generally a reflection of what they read; for the most part one can assume that it is probably more negative than positive because of the bad publicity received in the controversial Boyd and Pelosi cases.

c. Public attitudes are usually based on very little, if any, accurate knowledge of the facts of a particular case or how the Honor Code and System functions. The response from this segment of the population is usually negative. Most of the positive support has come from those individuals who are versed in the facts of a particular case or have some knowledge of the Honor Code and System.

d. The public has a tendency to tie together officer integrity and the Honor Code and System.

e. Only a small segment of the Army is in a position to formulate attitudes on the Honor Code and System which are based on appropriate knowledge.

f. The ideals professed in the Honor Code and System are generally viewed in a positive light among Army officers because of the emphasis the ideals have received in official publications, the tradition of officer integrity, and perpetuation of the ideals by West Point graduates.

g. There is a variance in the Army officers' attitude on the value of honor and what is actually practiced. All too frequently honor occupies a position subordinate to the more pragmatic values such as success and achievement.

h. Although most cadets and officers assigned to USMA believe that their knowledge of the Honor Code and System is good to excellent, there is a significant number who still need to be educated. As was the case with the public, it is the extent of one's knowledge of the Honor Code and System which more often than not impacts on how much positive support it receives. Lectures from company honor representatives appear to be the most effective means of educating both officers and cadets.

i. It is the opinion of most cadets and officers that the Honor Code and System:

(1) Belong to the Corps of Cadets,

(2) Are contributing to or have contributed to both their personal and officer development.

(3) Are not congruent with what actually exists in the Army.

j. More cadets adhere to the Honor Code because of a strong sense of personal honor than because of fear of separation. However, the importance of the latter is certainly significant. A majority of both cadets and officers believe that adherence to the spirit of the Honor Code is deteriorating, with a significant number indicating that a demonstrated lack of integrity at the highest levels of government and among ranking military officers has contributed to this deterioration.

k. Although cadets and officers support and agree on many aspects of the Honor Code and System, officers tend to be more conservative in their attitudes. Of the four classes, the Third Class is generally less supportive of the Honor Code and System and reflect the most liberal and permissive attitudes.

l. There is a significant minority of both officers and cadets who support toleration.

m. Generally speaking, both cadets and officers support the use of discretion and the application of sanctions by the Honor Committee under "certain circumstances," such as first offense or minor honor violations.

n. Both cadets and officers believe that administration of the Honor System should be accomplished without officer involvement.

o. Honor is viewed by cadets as being used to enforce regulations.

p. Most cadets favor open Honor Committee meetings.

q. Cadets believe that because plagiarism is such a highly complicated and technical issue, it should be handled by a different procedure than that used in other honor cases.

APPENDIX 1 - RESULTS OF CADET HONOR QUESTIONNAIRE TO ANNEX C (ATTITUDES)

APPENDIX 2 - RESULTS OF OFFICER HONOR QUESTIONNAIRE TO ANNEX C (ATTITUDES)

APPENDIX 3 - RESULTS OF ENLISTED MEN HONOR QUESTIONNAIRE TO ANNEX C (ATTITUDES)

APPENDIX 1 (RESULTS OF CADET HONOR QUESTIONNAIRE) TO ANNEX C (ATTITUDES)

1. Administrative Item: N-3921

2. Seventy percent of the Corps have read the USMA pamphlet entitled The Cadet Honor Code and System. The Class of 1978 had the highest number (86%) of individuals who have read it and the Class of 1976 had the fewest (57%).

3. Sixty-nine percent of the Corps indicated that their knowledge of the Honor Code and System was good to excellent. As might be expected, the percent expressing this level of knowledge was highest in the Class of 1975 (79%) and lowest in the Class of 1978 (56%).

4. Most of the Corps (65%) gained most of their knowledge of the Honor Code and System from formal briefings and lectures given by honor representatives. Very little of their knowledge is gained from reading pamphlets and other publications.

5. For the most part, and in the order presented, company honor representatives were elected to their position because of their sense of personal honor, dedication to duty, or popularity. Less than 10% were elected because of how they interpreted honor.

6. Upperclassmen as a group are evenly split on whether or not adherence to the Honor Code is either less or the same as it was when they were plebes. A relatively small number (6%) of upperclassmen believe adherence to the Honor Code is more than what it was when they were plebes. However, of the three upper classes, the Class of 1976 has a significantly larger number (53%) of cadets (9% more than the Class of 1975 and 15% more than the Class of 1977) who see adherence to the Honor Code as less than what it was when they were plebes.

7. Over half (54%) of the Corps indicated that adherence to the Honor System is about as much of a challenge as they expected. There was an almost even split among those who indicated that adherence to the Honor System was more or less of a challenge than they expected.

8. Fifty-two percent of the Corps indicated that the Honor System had significantly contributed to their personal development, while an average of 40% indicated that it had little effect. Worthy of note is that the Class of 1977 had 11% of its respondents who indicated that the Honor System restricted their personal development. This is 5 1/2% higher than the average of the other three classes.

9. Forty-five percent of the Corps believes that the Honor Code and System belong to the Corps of Cadets. Other activities to which a significant number of respondents (12% to 18%) attributed ownership to included the Corps of Cadets and USMA graduates, the Honor Committee, and USMA (cadets, staff and faculty) in that order.

10. As was the case with the cadet's personal development, 60% of the cadets believe that the Honor System contributes to their development as an officer. The Class of 1977's perception was again significantly different from the average of the other three classes in that more of them viewed the Honor System as having little effect on their development as an officer. The Class of 1978 reflected plebe idealism by having the highest percent of respondents who think that the Honor System significantly contributes to their development as an officer.

11. Quibbling, tolerance, and lying, in that order, are seen as the honor violations which are most frequently committed and not reported. Violation of the signature was seen as the least frequently committed and not reported honor violation.

12. and 13. Sixty-two percent of the Corps indicated that they would turn in a good friend for a clear-cut honor violation with the Class of 1978 reflecting a more idealistic attitude than the upper classes. On the other hand, seventy three percent of the Corps would not turn in a good friend for a possible honor violation.

14. Sixty-eight percent of the Corps believes that plagiarism should be handled by a different procedure than that used in other honor cases because it is a highly complicated and technical issue.

15. A clear 67% of the cadets were almost evenly split on what procedures should be adopted to handle plagiarism. Half of this group would prefer a special Board of Officers from academic departments and the other half would prefer a special Board of Cadets and Officers. However, closer examination reveals that the upper two classes support the latter and the bottom two classes the former.

16. Fifty-eight percent of the Corps believes that the Honor System has been effective in imparting to cadets a sense of personal honor. However, an analysis of the individual class responses shows that once again the Class of 1977 had a significantly higher percentage (12%) of respondents who believe that the Honor System is not effective in developing a sense of personal honor.

17. Forty-one percent of the Corps favors separation as the punishment for all cadets who violate the Honor Code, regardless of the nature of the violation. However, 49% are opposed to this notion. The opposition to separation regardless of the nature of the honor violation came primarily from the bottom two classes; a 12% vs 2% difference.

18. With the exception of the Fourth Class, the majority of the cadets believe that the Honor Code and System are not realistically enforced by the Corps. The Class of 1977 reflected the strongest negative response with an 18% difference as opposed to a 1% and 7% difference among the First and Second class respectively.

19. Seventy percent indicated that it was characteristic of them to defend the Honor Code when questioned about it while on leave. Although the majority of the Class of 1977 defended the Honor Code, they had no less than 9% more respondents than the average of the other three classes whose response to the statement was negative.

20. Fifty-three percent of the Corps adheres to the Honor Code because of a fear of separation. Adherence to the Honor Code because of fear of separation was less prevalent among First Classmen than the under three classes.

21. Eighty-six percent of the Corps indicated that it adhered to the Honor Code because of a strong sense of personal honor. The Class of 1977 had 3% more respondents than the other three classes who response was negative.

22. One-half of the Class of 1977 does not believe that the Honor System is fair and just, while over half of the other three classes hold the opposite point of view.

23. Over 80 percent of the Corps believes that honor at West Point is not congruent with what actually exists in the Army.

24. An average of 61% of the upper two classes do not feel that their company honor representatives were voted in because of their liberal approach regarding enforcement of the Honor System.

25. Fifty-four percent of the cadets indicated that the taking of ashtrays or towels from and restaurants are honor violations. However, the Class of 1977 had ten percent fewer respondents who supported this notion; while the Class of 1975 had the highest percentage of respondents supporting it.

26. Fully one-third of the Corps took a neutral position with regard to the question of resigning instead of requesting a Board of Officers when found for an honor violation. The other two-thirds of the Corps reflected an even split. In comparison to the other three classes, the Class of 1975 had seven percent more respondents who would request a Board of Officers, while the Class of 1978 had almost the same number in the opposite direction.

27. Sixty-eight percent of the Corps supports the position that a cadet who commits an honor violation and later reports himself should not receive the same punishment given to a cadet who is turned in by another cadet or officer. Of the four classes, the Class of 1975 and 1978 were least supportive of this position with a nine percent difference between the average of the other two classes.

28. Seventy seven percent of the Corps believes that honor is used to enforce regulations. The average (82%) for the upper three classes was 20 percent higher than the Class of 1978's average. Again, one can safely assume that this is a result of the class' newness to the system.

29. Sixty-three percent of the Corps believes that quibbling, evasive statements, or resorting to technicalities to conceal guilt should be considered an honor violation. The Class of 1977 had five percent fewer than the average of the other three classes supporting this position.

30. By only a slight majority (47% vs 43%), the Corps as a whole feels that separation from USMA should not be the only punishment for those who violate the Honor Code. However, a closer look at the figures reveal that the under two classes are the primary supporters of this idea while the upper two classes reflect a more conservative attitude.

31. Two-thirds of the Corps do not support the notion that academic procedures should be tightened to limit the opportunities for cheating.

32. Forty-five percent of the Corps support the notion that the toleration of the honor violations of others should not be an honor violation. Forty three percent opposed this position. The Class of 1977 is the strongest supporter of the former position and the Class of 1975 is more definitely in support of maintaining toleration as an honor violation.

33. Forty-one percent of the cadets indicated that members of the Cadets Honor Committee that they know accurately reflect the Corps attitude about the Honor System. However, it should be pointed out that approximately 25% of the Corps maintained a neutral position. The greatest amount of support (50%) came from the Class of 1975 while only one third of the Class of 1977 agreed with the statement.

34. Fifty-four percent of the Corps does not believe that plagiarism should be treated as a "minor" honor offense and that punishment for it should be something short of separation. The Class of 1977 and the Class of 1978 were less in favor of this attitude.

35. Sixty-seven percent of the Corps does think that cadets' "borrowing" from each other has contributed to an increase in stealing by cadets. The Class of 1978 had 25 percent fewer respondents agreeing with this notion which reflects their lack of experience with the problem.

36. and 37. Seventy-four percent of the Corps believes that honor violations are punished more severely at West Point than in the Army. Except for the Class of 1976 most of the cadets base their opinion on direct accounts by others (officers, NCO's cadets, family, friends, etc.). The second most prevalent basis which cadets use to form their opinion varies with each class:

Class of 1975 - AOT
Class of 1976 - Direct Accounts by Others
Class of 1977 - Personal Observations Other than AOT
Class of 1978 - Media Accounts

38. and 39. Two-thirds of the Corps agree with the idea that cadets found guilty for an honor violation should be given a "second chance" under certain circumstances. The Class of 1976 had 6% more respondents than the other three classes who supported the proposal. The two circumstances that received the most support from the Corps were (in order of preference):

> Self-reported, first offense, any class, minor violations only (quibbling, evasion, half-truths).
>
> Self-reported, first offense, any class.

40. Eighty-two percent of the Corps indicated that observers should be permitted to attend Honor Committee meetings.

41. Seventy percent of the Corps believes that the Honor Code is not uniformly adhered to. Fifteen percent fewer members of the Class of 1978 held this opinion --- again, a reflection of their novice status.

42. Two-thirds of the Corps feels that the Honor Committee should have the power to award a lesser punishment for a violation which in its opinion does not merit separation. The strongest support for this position came from the Class of 1978 and incrementally decreased with each succeeding class.

43. Sixty percent of the Corps indicated that they would seriously question a cadet's honor if the cadet was called before the Honor Committee the second time for a possible Honor violation.

44. Sixty percent of the Corps feels that cadet adherence to the spirit of the Honor Code is deteriorating. This attitude was strongest among the upper two classes.

45. Forty-eight percent of the Corps indicated that a demonstrated lack of integrity at the highest levels of government and among ranking military officers has weakened adherence to the Honor Code. Also, significant is the fact that 20% of the cadets reflected a certain amount of uncertainty by taking a neutral position as their response. The Class of 1977 had 6% more than the average of the other three classes who agreed with the statement.

46. Membership on the Honor Committee was viewed positively by 43% of the Corps and negatively by a third of the Corps. The under two classes had an average of five percent more cadets agreeing with the statement than the upper two classes. It is also significant to point out that 27% of the respondents took a neutral position indicating that they were either too far removed from the Honor Committee to know much about it, or some ambivalence on their part regarding not only its prestige but also its effectiveness.

47. Fifty-two percent of the Corps believes that opportunities to cheat or otherwise violate the Honor Code must exist to provide the experience needed in making honorable choices. An even one-third disagreed.

48. Sixty-two percent of the Corps indicated that some honor violations should be considered "minor" and therefore penalized by something short of separation. An average of ten percent were neutral and 28 percent disagreed. The strongest support for this position (71%) came from the Class of 1978 while the Class of 1975 indicated the least (51%) support.

49. Thirty-two percent of the Corps want the Silence to be reintroduced while 55% are opposed to the idea and 13% remained neutral. Opposition to the Silence was 11% higher among the cadets of the bottom two classes than the upper two classes. The strongest support (41%) came from the Class of 1976 with the least (22%) coming from the Class of 1978.

50. Fifty-seven percent of the Corps indicated that they can effectively enforce the Honor System without officer assistance. Support for this position was an average of 16% higher among the upper two classes (66%) than the bottom two classes (50%). The Class of 1978 only had 45% who supported this position.

51. There was strong disagreement by the Corps (81%) with having cadets appear before a Board of Officers for cheating without first going before the Honor Committee.

52. Forty-seven percent of the Corps believes that the Honor Code is too idealistic. In spite of the relatively even breakout, there are significant differences when one examines the various class responses. The Class of 1975 reflected the most conservative view with only 40% of the respondents indicating that the Code is too idealistic while the Class of 1977 had 57% who regarded it as being too idealistic. The two upper classes had ten percent fewer cadets who felt that the Honor Code was too idealistic. The Class of 1977 had 12% more respondents than the average of the other three classes who regarded the Code as being too idealistic.

53. Forty-nine percent of the Corps indicated that they would request a Board of Officers if found for a clear-cut honor violation, and if the possibility existed that a Board of Officers might reverse the Honor Committee's decision because of a legal technicality. Ten percent more of the respondents from the upper two classes supported this option which is an apparent reflection of how much they may have at stake with being found. However, the Class of 1976 had the highest number (57%) of respondents who favored this option and the Class of 1978 had the fewest (41%).

54. Fifty-nine percent of the Corps agreed with the following statement: If you heard in the hallway some information pertinent to a writ you were about to take, but had no intention of using the information to assist you in the writ, you should report what you heard to the instructor before taking the writ. The upper two classes were less supportive of this position than the two under classes by approximately 10%.

DEPARTMENT OF THE ARMY
UNITED STATES MILITARY ACADEMY
WEST POINT, NEW YORK 10996

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TO EACH MEMBER OF THE CORPS OF CADETS

West Point Cadets and the Army Officer Corps are generally recognized and respected for their personal integrity. The West Point Cadet Honor Code and System have nurtured and sustained this fundamental and highly regarded attribute. However, in view of the changes and turmoil that West Point, the Army and our country have experienced over the past decade, to survive and prosper the Academy must take a constructive and critical look at that which is so fundamental to its existence. Only by doing so can this institution build upon the best of its past and prepare for the future.

Accordingly, a selected group of cadets and officers are in the process of conducting a thorough study and review of the West Point Honor Code and System. Their objective is to determine how the Honor Code and System can be strengthened and improved to insure that honor continues to be the keystone ideal of West Point. The attached questionnaire has been prepared to facilitate the accomplishment of this task. The seriousness and frankness of your response will significantly affect the success of this questionnaire and the study and ultimately the effectiveness of the Honor Code and System.

Do Not write your name or alpha number on this questionnaire or response sheet. Read each question and all its responses carefully before selecting your answer. Mark your answers on the Answer Sheet. USE AN ORDINARY PENCIL - not a ballpoint pen. Be sure that your answer marks are heavy and that you blacken the whole rectangle. Do not go outside the lines of the box.

Your careful attention and cooperation are very much appreciated.

William Ried
WILLIAM J. RIED
Cadet Captain
Chairman Cadet Honor Committee

1. My class year is:

   a. Class of 1975
   b. Class of 1976
   c. Class of 1977
   d. Class of 1978

2. I have read the USMA pamphlet entitled The Cadet Honor Code and System.

   a. Yes
   b. No
   Comment: ______________________

3. My knowledge of the Honor Code and System can best be described as:

   a. Excellent
   b. Good
   c. Adequate
   d. Marginal
   e. Poor
   Comment: ______________________

4. I gained most of my knowledge of the Honor Code and System through: (one response only)

   a. Formal briefings and lectures by Honor representatives.
   b. Formal briefings and lectures by chain of command.
   c. Publications and pamphlets.
   d. Discussions with other cadets.
   e. Discussions with Cadet Honor Representatives.
   f. Personal observation.
   g. Formal meetings and briefings by tactical officers and academic department professors.
   h. Other ______________________

5. Our company honor representative was elected to the position because of his:

   a. Strict interpretation of Honor.
   b. Moderate interpretation of Honor.
   c. Liberal interpretation of Honor.
   d. Dedication to duty.
   e. Popularity.
   f. His sense of personal honor.
   g. Other ______________________

6. Adherence to the spirit of the Honor Code is:

   a. Less than what it was when I was a plebe.
   b. The same as it was when I was a plebe.
   c. More than what it was when I was a plebe.
   d. N/A (for fourthclassmen only).
   Comment: ______________________

7. Adherence to the Honor System is:

   a. More of a challenge than I expected.
   b. About as much of a challenge as I expected.
   c. Less of a challenge than I expected.
   Comment: ______________________

8. The Honor System:

a. Significantly contributes to my personal development.
b. Has little effect on my personal development.
c. Restricts my personal development as an individual.
Comment: ______________________________

9. The Honor System:

a. Significantly contributes to my development as an officer.
b. Has little effect on my development as an officer.
c. Restricts my development as an officer.
Comment: ______________________________

10. The Honor Code and System belong primarily to: (one response only)

a. Honor Committee.
b. Chain of Command.
c. Corps of Cadets.
d. USMA (cadets, staff and faculty).
e. Corps of Cadets and USMA graduates.
f. The Army.
g. The American public.
Comment: ______________________________

11. In your opinion, what kind of honor violation is most frequently committed and not reported? (One response only.)

a. Lying.
b. Cheating.
c. Stealing.
d. Tolerance of those who lie, cheat or steal.
e. Plagiarism.
f. Quibbling.
g. Violation of signature.
h. None that I know of.

12. I would turn in a good friend for a clear-cut honor violation.

a. Yes.
b. No.
Comment: ______________________________

13. I would turn in a good friend for a possible honor violation.

a. Yes.
b. No.
Comment: ______________________________

In each of the following questions, you should indicate your degree of agreement or disagreement. A space is provided on the questionnaire for any comment you desire to make to clarify your response.

14. Plagiarism, a highly complicated and technical area, should be handled by a different procedure than that used in other honor cases.

a. Strongly agree
b. Moderately agree
c. Slightly agree
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

15. If plagiarism were to be handled by separate procedures I would prefer that it be referred to a:

a. Board of Officers.
b. Special Board of Officers from Academic Departments only.
c. Special Board of Cadets and Officers.
d. Special Board of Cadets only, with a Board of Officers option.
e. Other ______________________________

16. The Honor System has been effective in accomplishing its mission of imparting to my classmates a sense of personal honor.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

17. Regardless of the nature of the violation, all cadets who violate the Honor Code should be separated from the Military Academy.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

18. The Honor Code and System are realistically interpreted and enforced by the Corps.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

19. It is characteristic of me to defend the Honor Code when I'm on leave and have to face questioning about it.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

20. I adhere to the Honor Code because of fear of separation from USMA.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

21. I adhere to the Honor Code because of a strong sense of personal honor.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

22. Based on my personal observations the Honor System is fair and just.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

23. The concept of honor at West Point is congruent with what actually exists in the Army.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

24. Our company honor representative was voted in because of his liberal views regarding enforcement of the Honor System.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

25. The taking of ash trays or towels from restaurants and hotels are not honor violations.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

26. If found for an honor violation, I would resign instead of requesting a board of officers.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

27. A cadet who commits an honor violation and later reports himself should not receive the same punishment given to a cadet who is turned in by another cadet or officer.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ____________________

28. The Honor Code is not used to enforce regulations.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ____________________

29. Quibbling, evasive statements or resorting to technicalities to conceal guilt should not be considered honor violations.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ____________________

30. Separation from USMA should be the only punishment for those who violate the Honor Code.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ____________________

31. Academic procedures should be tightened to limit the opportunity for cheating.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ____________________

32. Toleration of the honor violations of others should not be an honor violation.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ____________________

33. In my opinion, the members of the Cadet Honor Committee that I know accurately reflect the Corps' attitude about the Honor System.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ____________________

34. Plagiarism should be treated as a "minor" honor offense and punishment for it should be something short of separation:

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ____________________

35. The practice of cadet "borrowing" from each other has contributed to an increase in stealing by cadets.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ____________________

36. Honor violations are punished more severely at West Point than honor violations in the Army.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree
h. No information on which to base a reply

Comment: ____________________

37. My response to Question 36 above, is based primarily on:

a. My AOT experience
b. Personal observations other than AOT
c. Media accounts
d. Direct accounts by others (officers, NCOs, cadets, family, friends, etc.)

Comment: ____________________

38. Cadets found guilty of an honor violation should be given a "second chance", under certain circumstances.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ____________________

39. If you agreed with the statement in 38 above, under what circumstance do you think a "second chance" should be considered? (One response only.)

a. Self-reported, first offense, any class.
b. Self-reported, first offense, fourthclassmen only.
c. Self-reported, first offense, any class, any violation.
d. Self-reported, first offense, any class, minor violations only (quibbling, evasion, half-truths).
e. All violations except those directly involving military reports or academics, regardless of source or by who reported.
f. Others ______________________________

40. Observers should be permitted to attend Honor Committee meetings.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

41. The Honor Code is uniformly adhered to throughout the Corps of Cadets.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

42. The Honor Committee should have the power to award a lesser punishment for a violation which in its opinion does not merit separation.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

43. I would seriously question a cadet's honor if the cadet was called before the Honor Committee the second time for a possible honor violation.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

44. Cadet adherence to the spirit of the Honor Code is deteriorating.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

45. A demonstrated lack of integrity at the highest level of government and among ranking military officers has weakened adherence to the Honor Code.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

46. Membership on the Honor Committee is one of prestige.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

47. Opportunities to cheat or otherwise violate the Honor Code must exist to provide the experience needed in making honorable choices.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

48. Some honor violations should be considered "minor" and therefore penalized by something short of separation.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

49. The Silence should be reintroduced as part of the Honor System.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

50. The Corps can effectively enforce the Honor System without officer assistance.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

51. Cadets reported for cheating by an officer should appear before a board of officers without first going before the Honor Committee.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ____________________

52. The Honor Code is too idealistic.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ____________________

53. If found for a clear-cut honor violation and if the possibility existed that a Board of officers might reverse the Honor Committee decision because of a legal technicality, I would request a board of officers.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ____________________

54. This is a two-part question:

a. If you overheard in the hallway some information pertinent to a writ you were about to take, but had no intention of using the information to assist you in the writ, you should report what you overheard to the instructor before taking the writ.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ____________________

b. Why? ____________________

55. If, in your opinion, the Honor Code is not uniformly adhered to throughout the Corps of Cadets indicate your reasons why:

____

56. If I could influence the Honor Code and/or the Honor System I would: (optional)

____

APPENDIX 2 (RESULTS OF OFFICER HONOR QUESTIONNAIRE) TO ANNEX C (ATTITUDES)

1. Administrative Item: N-729

2. Sixty-two percent of the respondents are West Point graduates. However, the Academic and Tactical Department percentages are much more than the other two; 72% and 69% respectively.

3. Seventy-three percent of the officers questioned have received an Honor Committee briefing. However, closer examination of the data reveals that these briefings were primarily given to the Academic and Tactical Departments.

4. Seventy percent of the officers have read the USMA Honor Code and System pamphlet with the highest number in the Academic and Tactical Departments 77% and 83% respectively.

5. Seventy-three officers assigned to the Academic and Tactical Departments believe that their knowledge of the Honor Code and System is generally good to excellent. USMA Headquarters and USAH officers indicated that they were much less informed.

6. and 7. An average of 72% of the graduates indicated that the Honor System significantly contributed to their officer and personal development.

8. Forty-seven percent of the officers see the Honor Code and System as belonging to the Corps, with 17% ascribing it to USMA (cadets, staff and faculty). However, a full 25% of the USAH see it as belonging to the American public compared to only 7% of the other three departments. It is possible that the USAH response more closely approximates the public attitude. Only 11% of the respondents believe that the Honor Code and System belongs to the Army.

9. Toleration is viewed by 30% of those who opted to express an opinion as the most frequently committed and unreported honor violation. The other violation seen by a significant number (19%) of the respondents as committed and unreported is quibbling.

10. Seventy-eight percent of the USMA graduates have the opinion that adherence to the spirit of the Honor Code is less than what it was when they were cadets.

11. Sixty-five percent of the respondents do not feel that the Honor Code is too idealistic, with the strongest support for this position coming from the Academic (69%) and Tactical (68%) Departments.

12. Seventy-two percent of the officers indicated that even though a cadet has been reported for cheating by an officer, he should not be required to go before a Board of Officers without first going before the Honor Committee. The Academic Department (80%) was the strongest supporter of this position.

13. Forty-nine percent of the officers were of the opinion that the Honor Code and System are realistically interpreted and enforced by the Corps. Thirty-one percent disagreed and 20% remained neutral. The Tactical Department has the largest number (60%) who disagreed with the statement.

14. Fifty-nine percent of the officers indicated that a cadet who commits an honor violation and later reports himself should not receive the same punishment given to a cadet who is turned in by another cadet or officer. The most conservative response came from the Tactical Department with only 54% of their respondents supporting this idea, 9% fewer than the other three departments.

15. The majority (55%) of the officers are of the opinion that the Honor System is fair and just. USAH had the fewest number (25%) who agreed with the statement and had the largest number (39%) who remained neutral.

16. Fifty-one percent of the officers indicated that the Silence should not be reintroduced as part of the Honor System with 18% expressing a neutral position and 28% expressing support for it. The Academic and Tactical Departments had an average of 31% who were for the Silence, a full 16% more than the average of the other two departments.

17. Eighty-one percent of the officers agreed with considering quibbling, evasive statements, or resorting to technicalities to conceal guilt as an honor violation. USAH had 25% of their respondents who did not support the latter, 17% more than the average of the other three departments.

18. Just over one-half (54%) of the officers believe that the Corps could not effectively enforce the Honor System without officers assistance. The Tactical Department had 30% more respondents who supported this position than the average of the other three departments. In comparison with the Academic Department, the Tactical Department had 18% more respondents who indicated that effective enforcement of the Honor System required officer assistance.

19. Almost two-thirds (62%) of the officers believe that cadet adherence to the spirit of the Honor Code is deteriorating. An average of one-half of the respondents from the USAH and USMA Headquarters indicated a neutral response. The strongest support for the above-stated point of view came from the Academic and Tactical Department with an average of 70%. Again, the Tactical Department reflected the most conservative attitude with 7% more respondents indicating that cadet adherence to the spirit of the Honor Code is deteriorating.

20. The majority (78%) of the officers are of the opinion that the concept of Honor at West Point is not congruent with what actually exists in the

21. Fifty-one percent of the officers indicated opposition to the notion that separation should be the only punishment given to those who violate the Honor Code. Forty percent supported separation and 5% remained neutral. The Tactical Department was the only department that had the majority of their respondents (51%) supporting separation. This was 7% higher than the Academic Department. Officers assigned to the USMA Headquarters Staff and USAH had the largest number (average of 63%) in opposition to separation.

22. The majority (64%) of the officers believe that a demonstrated lack of integrity at the highest levels of government and among ranking military officers has weakened cadet adherence to the Honor Code.

23. It is characteristic of 69% of the officers to defend the Honor Code when on leave and have to face questioning about it. An average of 40% of Headquarters and USAH respondents indicated a neutral position on this point.

24. Fifty-five percent of the officers were opposed to the notion that regardless of the nature of the violation, all cadets who violate the Honor Code should be separated from the Military Academy. The Tactical Department had 46% for separation and the Academic Department had 38%. The latter two departments had 13% fewer respondents in opposition to separation than the Headquarters and USAH respondents.

25. Fifty-six percent of the officers are of the opinion that West Point graduates reflect the spirit of the Honor Code in their daily performance as Army officers. Forty-seven percent of the USAH respondents held an opposite opinion while the Headquarters respondents were evenly split on this issue.

26. The majority (65%) of the officers indicated that academic procedures should not be tightened to limit the opportunity of cheating. The strongest support for this position came from the Academic Department respondents (79%).

27. Seventy percent of the officers were opposed to the notion that toleration should not be considered an Honor Violation.

28. The overwhelming majority (85%) of the officers are of the opinion that honor violations are punished more severely at West Point than honor violations in the Army.

29. Sixty-three percent of the officers indicated that the Honor Committee should have the power to award a lesser punishment for a violation which in its opinion does not merit separation. The Tactical Department reflected a more conservative position with 10% fewer respondents supporting the latter than the average of the other three.

30. Sixty-seven percent of the officers were of the opinion that cadets found guilty of an honor violation should be given a "second chance" under certain circumstances.

31. Those officers who supported the "second chance" option indicated that it should be considered under the following conditions (in order of preference):

- -Self-reported, first offense, any class, minor violations only (quibbling, evasion, half-truths) (27%)
- -Self-reported, first offense, any class (12%)
- -Self-reported, first offense, Fourthclassmen only (10%)
- -Self-reported, first offense, any class, any violation (7%)
- -All violations except those directly involving military reports or academics, regardless of source or by whom reported (6%)

32. Fifty-six percent of the officers are of the opinion that opportunities to cheat or otherwise violate the Honor Code must exist to provide the experience needed in making honorable choices. Only 39% of the USAH respondents supported this position.

33. Fifty-four percent of the officers believe that some honor violations should be considered "minor" and therefore penalized by something short of separation. The strongest support for this position came from the Headquarters and USAH respondents with an average of 69%. The Academic and Tactical Departments were less supportive with 56 and 48% respectively. The Tactical Department's response was almost an even split with 45 percent of their respondents opposing the idea.

DEPARTMENT OF THE ARMY
UNITED STATES MILITARY ACADEMY
WEST POINT, NEW YORK 10996

TO OFFICERS ASSIGNED UNITED STATES MILITARY ACADEMY

The Superintendent has established a Special Study Group to conduct an extensive assessment and evaluation of the Cadet Honor Code and System. The objective of this study is to determine how the Honor Code and System can be strengthened and improved to insure that honor continues to be the keystone ideal of West Point. The attached questionnaire has been prepared with the approval of the Superintendent to facilitate the accomplishment of this task.

Special Instructions: Do Not write your name on this questionnaire or response sheet. Read each question and all its responses carefully before selecting your answer. Mark your answers on the Answer Sheet. USE AN ORDINARY PENCIL - not a ballpoint pen. Be sure that your answer marks are heavy and that you blacken the whole rectangle. Do not go outside the lines of the box. You may write in additional comments in the spaces provided on the questionnaire.

After completing the questionnaire, return it according to the instructions of the head of your activity.

Your careful attention and cooperation are very much appreciated.

GERALD W. MEDSGER
Colonel, CE
Director of Institutional Research

1. Department or Agency to which you are assigned:

    a. HQ USMA (general and special staff)
    b. Academic Department
    c. Department of Tactics
    d. USAH

2. Source of commission:

    a. OCS
    b. ROTC
    c. USMA
    d. Other

3. I have received a briefing by a member of the Honor Committee since coming to USMA.

    a. Yes
    b. No

4. I have read the USMA pamphlet entitled The Cadet Honor Code and System.

    a. Yes
    b. No

5. My knowledge of the Cadet Honor Code and System can best be described as:

    a. Excellent
    b. Good
    c. Adequate
    d. Marginal
    e. Poor

6. The Honor System:

    a. Significantly contributed to my development as an officer
    b. Had little effect on my development as an officer
    c. Restricted my development as an officer
    d. Not applicable

7. The Honor System:

    a. Significantly contributed to my personal development
    b. Had little effect on my personal development
    c. Restricted my personal development as an individual
    d. Not applicable

8. The Honor Code and System belongs primarily to: (one response only)

    a. Honor Committee
    b. Chain of Command
    c. Corps of Cadets
    d. USMA (cadets, staff and faculty)
    e. Corps of Cadets and USMA Graduates
    f. The Army
    g. The American public

9. In your opinion, what kind of honor violation is most frequently committed and not reported.

   a. Lying
   b. Cheating
   c. Stealing
   d. Tolerance of those who lie, cheat or steal.
   e. Plagiarism
   f. Quibbling
   g. Violation of signature
   h. I do not know

10. Adherence to the spirit of the Honor Code is:

   a. Less than what it was when I was a cadet
   b. The same as it was when I was a cadet
   c. More than what it was when I was a cadet
   d. Not applicable (for non-graduates only)

In each of the following questions, you should indicate your degree of agreement or disagreement. A space is provided on the questionnaire for any comment you desire to make to clarify your response.

11. The Honor Code is too idealistic.

   a. Strongly agree
   b. Moderately agree
   c. Slightly agree
   d. Neutral
   e. Slightly disagree
   f. Moderately disagree
   g. Strongly disagree

   Comment: ____

12. Cadets reported for cheating by an officer should appear before a board of officers without first going before the Honor Committee.

   a. Strongly agree
   b. Moderately agree
   c. Slightly agree
   d. Neutral
   e. Slightly disagree
   f. Moderately disagree
   g. Strongly disagree

   Comment: ____

13. The Honor Code and System are realistically interpreted and enforced by the Corps.

   a. Strongly agree
   b. Moderately agree
   c. Slightly agree
   d. Neutral
   e. Slightly disagree
   f. Moderately disagree
   g. Strongly disagree

   Comment: ____

14. A cadet who commits an honor violation and later reports himself should not receive the same punishment given to a cadet who is turned in by another cadet or officer.

   a. Strongly agree
   b. Moderately agree
   c. Slightly agree
   d. Neutral
   e. Slightly disagree
   f. Moderately disagree
   g. Strongly disagree

   Comment: ____

15. The Honor System is fair and just.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ____________________

16. The Silence should be reintroduced as part of the Honor System.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ____________________

17. Quibbling, evasive statements or resorting to technicalities to conceal guilt should not be considered as an honor violation.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ____________________

18. The Corps can effectively enforce the Honor System without officer assistance.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ____________________

19. Cadet adherence to the spirit of the Honor Code is deteriorating.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ____________________

20. The concept of honor at West Point is congruent with what actually exists in the Army.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ____________________

21. Separation is the only punishment that should be given to those who violate the Honor Code.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______

22. A demonstrated lack of integrity at the highest levels of government and among ranking military officers has weakened adherence to the Honor Code.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______

23. It is characteristic of me to defend the Honor Code when I'm on leave and have to face questioning about it.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______

24. Regardless of the nature of the violation, all cadets who violate the Honor Code should be separated from the Military Academy.

a. Strongly agree
b Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______

25. West Point graduates reflect the spirit of the Honor Code in their daily performance as Army officers.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______

26. Academic procedures should be tightened to limit the opportunity of cheating.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______

27. Toleration of the honor violations of others should not be an honor violation.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

28. Honor violations are punished more severely at West Point than honor violations in the Army.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

29. The Honor Committee should have the power to award a lesser punishment for a violation which in its opinion does not merit separation.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

30. Cadets found guilty of an honor violation should be given a "second chance", under certain circumstances.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

31. If you agreed with the statement in 30. above under what circumstance do you think a "second chance" should be considered? (One response only.)

a. Self-reported, first offense, any class.
b. Self-reported, first offense, fourthclassmen only.
c. Self-reported, first offense, any class, any violation.
d. Self-reported, first offense, any class, minor violations only (quibbling, evasion, half-truths).
e. All violations except those directly involving military reports or academics, regardless of source or by whom reported.
f. Others ______________________________

32. Opportunities to cheat or otherwise violate the Honor Code must exist to provide the experience needed in making honorable choices.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

33. Some honor violations should be considered "minor" and therefore penalized by something short of separation.

a. Strongly agree
b. Moderataly agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

34. If I could influence the Honor Code and/or the Honor System I would: (Optional)

____
____
____
____

APPENDIX 3 (RESULTS OF ENLISTED MEN HONOR QUESTIONNAIRE) TO ANNEX C (ATTITUDES)

1. Administrative item: N =60

2. Seventy-three percent of the respondents are E-7 and above.

3. Only 25% of the enlisted men (EM) have received a briefing from the Honor Committee.

4. Thirty-eight percent of the EM have read the USMA pamphlet entitled The Cadet Honor Code and System.

5. Fifty-two percent of the EM consider their knowledge of the Honor Code and System as adequate to good and 40% feel that it was poor to marginal.

6. The majority of the EM (58%) ascribe ownership of the Honor Code and System to the Corps of Cadets with only 12% and 10% ascribing ownership to USMA (cadets, staff and faculty) and the Army respectively.

7. Toleration is viewed by 40% of those who opted to express an opinion as the most frequently committed and unreported honor violation. The other violations seen by a significant number of the respondents as committed and unreported were lying (17%) and quibbling (12%). Forty percent indicated that they did not know.

8. Thirty-eight percent of the EM do not feel that the Honor Code is too idealistic and 25% remained neutral.

9. Fifty-five percent of the EM indicated that even though a cadet has been reported for cheating by an officer, he should not be required to go before a Board of Officers without first going before the Honor Committee.

10. Thirty-eight percent of the EM were of the opinion that the Honor Code and System are realistically enforced by the Corps. Twenty-eight percent disagreed and 32% remained neutral.

11. Over half of the EM (55%) indicated that a cadet who commits an honor violation and later reports himself should not receive the same punishment given to a cadet who is turned in by another cadet or officer. Twenty-three percent disagreed and 20% reflected a neutral position.

12. Only 48% of the EM believe that the Honor System is fair and just. A full 30% expressed a neutral opinion and 18% disagreed with the statement.

13. Fifty-three percent indicated that the Silence should not be reintroduced as part of the Honor System with 22% expressing a neutral position and 23% expressing support for it.

14. Seventy-two percent of the EM feel that quibbling, evasive statements or resorting to technicalities to conceal guilt should be considered as an honor violation.

15. Only 35% of the EM believe that the Corps can effectively enforce the Honor System without officer assistance.

16. Forty percent are of the opinion that cadet adherence to the spirit of honor is deteriorating. Thirty-seven percent reflected a neutral opinion and 22% disagreed with the statement.

17. The majority (63%) of the EM believe that the concept of honor at West Point is not congruent with what actually exists in the Army.

18. Sixty-three percent of the EM indicated opposition to the notion that separation should be the only punishment given to those who violate the Honor Code.

19. Sixty-two percent believe that a demonstrated lack of integrity at the highest levels of government and among ranking military officers has weakened adherence to the spirit of the Honor Code.

20. It is characteristic of 50% of the EM to defend the Honor Code when on leave and have to face questioning about it. Thirty-three percent indicated a neutral position on this point.

21. Sixty-five percent of the EM were opposed to the notion that regardless of the nature of the violation, all cadets who violate the Honor Code could be separated from the Military Academy.

22. Forty-seven percent of the EM were of the opinion that West Point graduates did not reflect the spirit of the Honor Code in their daily performance as Army officers. Twenty-five percent gave a neutral response and 27% responded positively.

23. One-third of the EM indicated that academic procedures should be tightened up to limit the opportunity for cheating, with another third remaining neutral. Twenty-eight percent disagreed with the statement.

24. Sixty percent of the EM feel that toleration of the honor violations of others should be an honor violation.

25. A majority (73%) of the EM were of the opinion that honor violations are punished more severely at West Point than honor violations in the Army.

26. Seventy-five percent of the EM indicated that the Honor Committee should have the power to award a lesser punishment for a violation which in its opinion does not merit separation.

27. Seventy percent supported the notion of giving a cadet a "second chance" for an honor violation committed under certain circumstances.

28. Those EM who supported the "second chance" option indicated that it should be considered under the following conditions (in order of preference):

Self-reported, first offense, any class, minor violation	(33%)
Self-reported, first offense, any class	(15%)
All violations except those directly involving military reports or academics, regardless of source or by whom. reported	(13%)
Self-reported, first offense, fourthclass only	(5%)
Self-reported, first offense, any class, any violation	(5%)
Others	(13%)

29. Forty percent indicated that opportunities to cheat or otherwise violate the Honor Code must exist to provide the experience needed in making honorable choices. Twenty percent remained neutral and 38% disagreed with the statement.

30. Seventy-three percent of the EM believe that some honor violations should be considered "minor" and therefore penalized by something short of separation.

DEPARTMENT OF THE ARMY
UNITED STATES MILITARY ACADEMY
WEST POINT, NEW YORK 10996

TO ENLISTED MEN ASSIGNED TO THE UNITED STATES MILITARY ACADEMY

The Superintendent has established a Special Study Group to conduct an extensive assessment and evaluation of the Cadet Honor Code and System. The objective of this study is to determine how the Honor Code and System can be strengthened and improved to insure that honor continues to be the keystone ideal of West Point. The attached questionnaire has been prepared with the approval of the Superintendent to facilitate the accomplishment of this task.

Special Instructions: Do Not write your name on this questionnaire or response sheet. Read each question and all its responses carefully before selecting your answer. Mark your answers on the Answer Sheet. USE AN ORDINARY PENCIL - not a ballpoint pen. Be sure that your answer marks are heavy and that you blacken the whole rectangle. Do not go outside the lines of the box. You may write in additional comments in the spaces provided on the questionnaire. It is recognized that many enlisted men have limited knowledge of the Cadet Honor Code and System; however, you are asked to respond to all questions to the best of your ability.

After completing the questionnaire, return it and the answer sheet in the envelope provided.

Your careful attention and cooperation are very much appreciated.

GERALD W. MEDSGER
Colonel, CE
Director of Institutional Research

1. Department or Agency to which you are assigned:

   a. HQ USMA (general and special staff)
   b. Academic Department
   c. Department of Tactics
   d. USAH

2. Rank:

   a. E8, E9
   b. E7
   c. E6
   d. E5
   e. E4
   f. E1 - E3

3. I have received a briefing by a member of the Honor Committee since coming to USMA.

   a. Yes
   b. No

4. I have read the USMA pamphlet entitled The Cadet Honor Code and System.

   a. Yes
   b. No

5. My knowledge of the Cadet Honor Code and System can best be described as:

   a. Excellent
   b. Good
   c. Adequate
   d. Marginal
   e. Poor

6. The Honor Code and System belongs primarily to: (one response only)

   a. Honor Committee
   b. Chain of Command
   c. Corps of Cadets
   d. USMA (cadets, staff and faculty)
   e. Corps of Cadets and USMA Graduates
   f. The Army
   g. The American public

7. In your opinion, what kind of honor violation is most frequently committed and *not* reported.

   a. Lying
   b. Cheating
   c. Stealing
   d. Tolerance of those who lie, cheat or steal.
   e. Plagiarism
   f. Quibbling
   g. Violation of signature
   h. I do not know

8. The Honor Code is too idealistic.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

9. Cadets reported for cheating by an officer should appear before a board of officers without first going before the Honor Committee.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

10. The Honor Code and System are realistically interpreted and enforced by the Corps.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

11. A cadet who commits an honor violation and later reports himself should not receive the same punishment given to a cadet who is turned in by another cadet or officer.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

12. The Honor System is fair and just.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

13. The Silence should be reintroduced as part of the Honor System.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

14. Quibbling, evasive statements or resorting to technicalities to conceal guilt should not be considered as an honor violation.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

15. The Corps can effectively enforce the Honor System without officer assistance.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

16. Cadet adherence to the spirit of the Honor Code is deteriorating.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

17. The concept of honor at West Point is congruent with what actually exists in the Army.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

18. Separation is the only punishment that should be given to those who violate the Honor Code.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ____

19. A demonstrated lack of integrity at the highest levels of government and among ranking military officers has weakened adherence to the Honor Code.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ____

20. It is characteristic of me to defend the Honor Code when I'm on leave and have to face questioning about it.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ____

21. Regardless of the nature of the violation, all cadets who violate the Honor Code should be separated from the Military Academy.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ____

22. West Point graduates reflect the spirit of the Honor Code in their daily performance as Army officers.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ____

23. Academic procedures should be tightened to limit the opportunity of cheating.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

24. Toleration of the honor violations of others should not be an honor violation.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

25. Honor violations are punished more severely at West Point than honor violations in the Army.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

26. The Honor Committee should have the power to award a lesser punishment for a violation which in its opinion does not merit separation.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

27. Cadets found guilty of an honor violation should be given a "second chance", under certain circumstances.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

28. If you agreed with the statement in 27 above, under what circumstances do you think a "second chance" should be considered? (One response only).

a. Self-reported, first offense, any class.
b. Self-reported, first offense, fourthclassmen only.
c. Self-reported, first offense, any class, any violation.
d. Self-reported, first offense, any class, minor violations only (quibbling, evasion, half-truths).
e. All violations except those directly involving military reports or academics, regardless of source or by whom reported.
f. Others ______________________________

29. Opportunities to cheat or otherwise violate the Honor Code must exist to provide the experience needed in making honorable choices.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

30. Some honor violations should be considered "minor" and therefore penalized by something short of separation.

a. Strongly agree
b. Moderately agree
c. Slightly agree
d. Neutral
e. Slightly disagree
f. Moderately disagree
g. Strongly disagree

Comment: ______________________________

31. If I could influence the Honor Code and/or the Honor System I would: (Optional)

____
____
____
____
____

ANNEX D (USNA/USAFA EXPERIENCE) to Report of Superintendent's Special Study Group on Honor at West Point.

1. MISSION/PURPOSE OF COMMITTEE.

To report on the honor codes and systems of the sister service academies, to include a statement of each honor code/concept and a description of each system. A principla purpose of that mission was to report particular aspects of the honor systems at USNA and USAFA that are unique to those institutions and to assist in the evaluation of their potential incorporation into that of the USMA, where appropriate. In addition, the honor codes and systems at selected colleges and universities were to be summarized.

2. ORGANIZATION.

The Committee was organized as follows: Major Gordon M. Clarke (Department of Mechanics) - Committee Head and principal reporter on USAFA; Captain Ben Anderson (Department of Foreign Languages) - Deputy Committee Head and principal reporter on USNA; Cadet Darryl Harris (Company B2, USCC) - member of the Corps of Cadets at large and principal reporter on honor systems at other colleges and universities. The following cadets were associate members of the Committee: Cadet William Reid, Chairman of the Cadet Honor Committee (accompanied Major Clarke and Captain Anderson on trips to USNA and USAFA), Cadet Steve Guthrie (Company D2, USCC), and Cadet Steve Stacey (Company A1, USCC). Cadets Guthrie and Stacey provided assistance to Cadet Harris in the summarizing of information on other colleges and universities.

3. METHODOLOGY.

The Committee visited USNA and USAFA for a period of two days each, during which time was spent in conference with cadets/midshipmen, officers of the staffs and faculties of each academy. Discussion centered on aspects of the honor codes and systems unique to USNA and USAFA, as well as investigative procedures, honor board proceedings, and matters pertaining to honor instruction and awareness among cadets/midshipmen and officers. In order to gain more understanding of the honor codes and systems at USNA and USAFA and compare them to that at USMA, "flow charts" of each system were developed. These are shown at Appendix 1. Information concerning the honor codes and systems at other colleges and universities was requested by a standard letter. The Committee's report consists of three principal parts: (1) the USAFA report, (2) the USNA report, and (3) summaries of the honor codes and systems at other selected colleges and universities.

4. DISCUSSION OF TOPICS/AREAS OF RESEARCH.

a. USAFA Report. The Committee visited the Air Force Academy on 13 and 14 December 1974 and spent these two days in discussion conferences with cadet honor representatives, other cadets, and officers of the staff and faculty. Special members of the USAFA discussion group were Cadet Tim Murphy, Chairman of the Cadet Honor Committee, and Major C. Thomas Hill, Executive to the Commandant for Honor and Ethics. The Committee was afforded the opportunity to observe an actual honor board proceeding that involved a case of plagiarism. In addition, Major Clarke and Cadet Reid made a courtesy call on Major General Allen, Superintendent, and discussed with him in general terms the USAFA Honor System. General Allen expressed his full support of the USAFA Honor Code and System as it is now constituted and operating. A mild criticism of the Committee regarding discussions at USAFA was that there was not a greater, random selection of cadets and officers for the discussion groups. Otherwise, the trip was a complete success, and personnel at USAFA demonstrated a willingness to share with the Committee and USMA as much information as could possibly be discussed during our conferences, as well as a particular interest in a reciprocal visit to USMA in late Spring or early Fall, 1975. The Committee concentrated on several aspects of the USAFA Honor System that are unique to that institution and others that seemed most effective and with which the Committee was very much impressed. They are enumerated and discussed in turn below.

(1) The USAFA Honor Code states

> "We will not lie, steal, or cheat,
> nor tolerate among us anyone who does."

It is clear that the USAFA Honor Code and that at USMA are nearly identical, including a "non-toleration' clause contained in the statement of their code. The Cadet Honor Code was adopted by the Class of '59, the first graduating class, in September 1956, after a review of the honor codes and systems in use throughout the country, including those at USMA and USNA.

(2) Non-toleration. Significantly, the "non-toleration" clause of the USAFA Honor Code, as at USMA, is considered to be that essential element of the Code without which there would be little basis for sustaining the Honor System. The following is a description of this clause, as provided by USAFA.

The Toleration Clause

> The Cadet Honor Code states that "We will not lie, steal, or cheat, nor tolerate among us anyone who does. Probably no aspect of the Code has caused as much confusion and controversy as the so-called "toleration clause". The Code's prohibitions against lying, stealing, and cheating are well-founded in the very basics of Western morality and seldom, if ever, require clarification. The concept of "non-toleration" likewise stems from a dominant, though somewhat less obvious, moral theme which requires that individuals in positions of authority and national responsibility place loyalties to country, unit and mission above loyalties to friends and self. The purpose of the Cadet Honor Code is to create an environment at the Academy which will insure that today's graduates and tomorrow's leaders will be men of unquestioned integrity set apart from the fluctuating norms of society. The toleration clause makes it the explicit responsibility of each and every cadet to guarantee to his country that only honorable men may graduate from the Air Force Academy. To properly fulfill this responsibility, the individual cadet may be required to place his nation's welfare above his personal feelings.

In a very real sense, the toleration clause is the backbone of the Cadet Honor Code. It is the means by which the Cadet Wing polices itself, rendering the Code both self-imposed and self-enforced. Since the toleration clause renders every cadet a guardian of the Code, enforcement and administration remain entirely in the hands of the cadets. No one can readily claim that reporting a close friend for a suspected honor violation would be an easy matter. However, the higher loyalties demanded by the profession of arms cannot be jeopardized by trying to cover for a friend. Cadets, as future national leaders, must be expected to develop the moral courage to do what is necessary to protect the best interest of the nation -- especially when it comes to maintaining the standards of honor expected of Academy cadets and graduates. Were there no toleration clause embodied in the Cadet Honor Code, several untenable situations would inevitably result. The Code would be reduced to a meaningless pledge, a sort of "gentlemen's agreement," with no means of assuring the identification of the majority of honor violators. Since lying, stealing, cheating and tolerating are in violation of the UCMJ, enforcement of these precepts would still be mandatory but would be considerably weakened since such enforcement would emanate from sources external to the Cadet Wing. A "we-they syndrome" would be perpetuated between cadets and those who enforced and administered the Code. Additionally, a true sense of honor must originate from within the individual. If an honor system were externally imposed on the Cadet Wing, there would be virtually no foundation on which to base a lifelong sense of honor once the cadet had graduated. Finally, an individual who tolerates such an inherently wrong act as lying, cheating, or stealing -- without taking any actions to rectify the situation -- has at least partially condoned the act. By condoning the wrongful acts of others, an individual moves one step closer to condoning similar acts of his own.

(3) USAFA Honor System Procedures. Procedurally, the honor system at USAFA is nearly identical to that at USMA. Therefore, this part of the committee's report will not elaborate on the USAFA system. A detailed description of USAFA investigation and honor board procedures is contained in the attached document entitled "Honor Instructions for All Honor Representatives" (Appendix 2). An important aspect of the USAFA honor system, that is not contained in current USMA procedures, is a provision for removal of an ineffective honor representative. Procedures for this are outlined in the document at Appendix 3. USAFA Honor Committee organization and job descriptions are shown at Appendix 4. Legal review of honor cases is accomplished in a similar manner to that at USMA, and if a cadet is found guilty by an honor board, he may request that his case be referred to a board of officers which conducts proceedings de novo.

(4) Discretion. The Honor System at USAFA contains a unique provision for granting a cadet "discretion", that is, restoring him to the Cadet Wing in full standing after he has been found guilty of an honor violation by the Cadet Honor Committee. Upon a finding of guilty, the honor board hearing a case may, depending upon the circumstances of the violation, make a recommendation to the Commandant of Cadets that discretion be granted. Discretion is a closely guarded provision of the Honor System and is normally only granted to a cadet who (1) has not had a reasonable level of experience under the code (fourth- and third-classmen); (2) reports himself for a violation, (3) may have been under unusual pressure at the time of the incident, and (4) has learned a valuable lesson from the experience of the honor proceedings and who will be a credit to the Cadet Wing and the Air Force in the future. Discretion lends a humanizing or a tempering effect to the Honor System and it is strongly supported at USAFA. Although there seems to be a conflict between discretion and non-toleration, USAFA views discretion as a strengthening feature of their Honor System and a provision whereby unusual circumstances may be considered for the benefit of a cadet as well as the institution. The concept of discretion is further discussed in the pamphlet "Honor Reference Handbook of the Air Force Cadet Wing", included at Appendix 5. Appendix 6 includes several summaries of honor cases that have resulted in discretion along with the rationale for discretion in each.

(5) Officer Representation to the Cadet Honor Committee. At USAFA there is an established position for a full-time Executive to the Commandant for Honor and Ethics, who is the Officer Representative to the Cadet Honor Committee. The incumbent is Major C. Thomas Hill, USAFA '64. A job description for this position is at Appendix 7. This officer's principal duties are to provide administrative support and professional guidance for the Cadet Honor Committee. A prerequisite for assuming this position is that an officer must have been an Air Officer Commanding (tactical officer) for at least one year. It was observed that there were significant benefits that accrued to the Honor System due to the existence of this position, and these should receive serious consideration at USMA. In addition to providing vital administrative support, which results in fewer administrative errors in honor proceedings, the officer is an effective agent for promoting an awareness of honor throughout the Cadet Wing. He is a junior field grade officer, is readily accessible to cadets and officers for discussion of matters pertaining to honor, monitors an on-going honor instruction program, and lends professional guidance to the entire, complex sequence of honor proceedings (the investigative - hearing - officer board processes). This officer insures that the documentation of each case is thorough and complete, which is particularly important in today's cadet atmosphere and because so many honor cases result in officer boards. This position is viewed very favorably at USAFA by cadets and staff and faculty officers, and it is in no way regarded as a means of creating "officer-influence" with regard to honor cases. The Executive for Honor and Ethics also supervises the activities of the Cadet Professional Ethics Committee and maintains coordination with its officer representative.

(6) Honor Instruction. The Committee was impressed by the on-going honor instruction program at USAFA. In addition to the 15 hours of instruction a cadet receives during basic cadet training (fourth class summer), summarized in the "Honor Instruction Manual of the Air Force Cadet Wing" (Appendix 8), he also receives approximately 45 hours of instruction over the ensuing 4 years. This

subsequent instruction is quite varied, beginning with a simple repeat of the basics for the Fourth Classmen and then becoming more sophisticated in later years. The instruction is presented during Saturday morning classes, weekly squadron meetings, and at other appropriate times. During First Class Year, discussion centers around situations and issues a graduate may encounter as an officer. Graduates who are assigned to the Academy participate in these discussions. This program of instruction serves to create a wide-spread continuing awareness of honor among the cadets. This program is reinforced by the reading of case findings at squadron meetings by honor representatives during the year, and the posting of these in permanent places on squadron bulletin boards.

(7) Cadet/Staff and Faculty Awareness of Honor. In addition to the program of instruction discussed above, there are several ways in which awareness of honor is maintained at USAFA: (1) Temporary fourth and third class honor representatives are elected in each cadet squadron three times a year, each time a new chain of command is appointed. These representatives serve as administrative "helpers" to the second and first class honor representatives, and they are expected to sit in on a few honor board hearings during their tour. (2) An officer in each academic department is appointed as a liaison to the Cadet Honor Committee and he serves as an identifiable point of contact for matters of honor within his department. (3) Honor board hearings are open to all cadets, staff and faculty. Personnel are encouraged to attend hearings, not only if a case involves a cadet who may be particularly well known to individuals, but also for the benefit of achieving a greater understanding of the Honor System. (4) The Committee was impressed by the very effective method of creating and maintaining awareness by posting summaries of all case findings (guilty, not guilty, guilty with discretion) in permanent places on squadron bulletin boards. Case summaries are also circulated to the academic departments for information. This provides "built-in" public relations for the Honor Committee in that all cadets and officers are appraised of the rationale of the Honor Committee in arriving at particular findings. (5) The first 10 to 15 minutes of weekly squadron meetings (each Thursday night) are allocated to the honor representative for the presentation of recent honor board findings and other honor matters.

The Committee strongly believed that the features of the USAFA honor system described above provide for great support and wide spread participation and, thus, great "awareness" of honor at USAFA.

(8) Cadet and Officer Support of the Honor System. It was a distinct impression of the Committee that there was universal and enthusiastic support of the Honor Code and System at USAFA. This was apparent both with regard to the "non-toleration" clause of the code and for the "discretion" provision. Officers and cadets particularly liked the "open" system with respect to honor board hearings and the announcement of the results of case findings to the entire Cadet Wing. Major Clarke and Cadet Reid, during their courtesy call on Major General Allen, Superintendent, spent a half hour with him discussing general aspects of the Honor Code and System and those peculiar to USAFA. He stated that he fully supports the Code and System as they are now operating at USAFA, and he seemed convinced that discretion was an effective provision of the System and was supported by the Cadet Wing.

(9) USAFA Cadet Ethics Committee. A unique aspect of the "honor and ethics" organization within the Cadet Wing is the Cadet Professional Ethics Committee. This is a parallel committee to the Cadet Honor Committee and its members are similarly elected from each squadron. The purposes of the Ethics Committee are to provide a vehicle whereby cadets are able to police themselves with respect to professional conduct and to provide ethics training that will lead to a high sense of individual ethics after leaving the Academy. It was first formed in 1963, and it has developed into an effective, complementary organization to the Cadet Honor Committee. Cases of gross violations of conduct (i.e., overcrowding a motel room and only one cadet paying the bill) are reported in the same manner as honor violations and an ethics board consisting of first class ethics representatives hears the case. Depending upon the findings of the board and the nature of an offense, the Ethics Committee may recommend a wide range of disciplinary action against the accused cadet, including a recommendation for appearing before an officers board to show cause for remaining at the Academy. It was explained that many times a case initially reported to the Cadet Honor Committee may, in the process of investigation, be found to be more appropriately reviewed by the Ethics Committee; or vice versa. In this way, there seems to be a procedure for handling cases that fall in a "gray" area. Ethics instruction is also on-going and presented to all classes at USAFA, as outlined in the document attached at Appendix 9. In addition, all first and second classmen may take an elective course in basic ethics - Philosophy 440: Ethics (2.5 credit hours) taught by the Department of Political Science and Philosophy.

b. USNA Report. The Committee visited the Naval Academy on 13 and 14 February 1975 and spent two days in discussion conferences with midshipmen honor representatives, other midshipmen, and officers of the staff and faculty to include civilian permanent faculty members. Primary members of the USNA discussion group were Midshipman Dan Wehrle, Chairman of the USNA Honor Committee, and Commander Carl J. Albrecht, Officer Representative to the Brigade Honor Committee. Other discussion groups included officer and civilian faculty members of the Divisions of English and History, and Math and Science. In addition discussion conferences were held with Company Officers (Tactical Officers) and midshipmen-at-large. It should be noted that the Academy staff had insured that in each group there were academy personnel whose attitudes were not entirely supportive of the Honor System. In our view this reflected the objective and candid approach to the subject taken by the Naval Academy.

(1) The USNA Honor Concept.

> The Honor Concept of the Brigade of Midshipmen establishes the principle that a midshipmen does not lie, cheat or steal. It demands that midshipmen learn to make decisions in every situation based upon this principle.

The USNA views the imbuing of midshipmen with high ideals of honor as part of its mission. A "concept" rather than a code is a very fundamental difference from USMA. It is felt that realistic adherence and interpretation of a concept requires more of a midshipman than mere automatic compliance to principles governed by regulations.

Instead, USNA believes it requires adherence to principles governed by conscience. Furthermore, and more significant, it requires a midshipman to make each decision on his own as a result of self-deliberation and analysis of each case in question in terms of various courses of action. The absence of the non-toleration clause permits and requires such self-deliberation and analysis.

(2) Toleration. There is no "non-toleration" clause in the USNA Honor Concept in contrast to the Honor Codes at USMA and USAFA. The following article, authored by the Staff at USNA, best expresses their justification for the absence of such a clause:

> ### The Absence Of The Toleration Clause
>
> The Honor Codes at West Point and the Air Force Academy contain a clause which precludes "toleration" whereas there is no such clause in the Honor Concept at the Naval Academy. Cadets at USMA and USAFA have emphasized to the Committee their conviction that the preclusion of "toleration" is essential to the strength of the Honor Code. How do you evaluate the strength of the USNA Honor Concept in the absence of a "toleration" clause?
>
> The exclusion of a "non-toleration" clause from the Naval Academy's Honor Concept is in fact, one of the strengths of the Concept when viewed from the proper perspective. Part of the mission of the Naval Academy is to train young men morally to be professional officers in the naval service. There is no honor code or honor concept within the uniformed services of the Department of Defense except at the service academies which provide future officers for their particular service. In view of this fact, the question becomes, which is the best way to develop long standing principles of personal integrity--principles to which an individual will adhere to, not only during his undergraduate days at a service academy but also throughout his career. In our judgment, a young man's moral development is best attained by letting him come to grips with moral issues himself rather than forcing him through blind adherence "to make the right decision" by removing all other courses of action. A midshipman is obligated to take some action when observing a possible honor violation. This action must stem entirely from his own conscience without the crutch of a rule which says he must take action or suffer dire consequences. The action he is obligated to take is: (1) immediately report his evidence to the Brigade Honor Committee; or (2) discuss the incident with the suspected offender and then: (a) report the offender; (b) caution or counsel the offender without referring the matter to the Honor Committee; or (c) drop the entire matter if it appears that no violation has been committed. The responsibility to choose the proper course of action rests with the midshipman. His decision is one of grave responsibility. If a midshipman does not take any of the actions outlined above,

he has failed in his responsibility to the Brigade.

Undoubtedly, use of a "non-toleration" clause would enhance the actual efficiency of the Honor System in terms of numbers of possible violators turned in as a percentage of possible violators observed. We, at the Naval Academy, believe this to be a poor trade-off compared to the unquantifiable benefits derived in terms of development and maintenance of personal integrity.

The absence of a "non-toleration" clause in the Naval Academy Concept in no way should infer that dishonesty is tolerated or condoned by the Brigade. We believe the opposite to be true. Every midshipman has a personal responsibility to live within the Concept unassisted by a book of definitive rules which provide him with a crutch to make hard decisions.

(3) Administration of the Honor System. The Committee learned that the administration of the USNA honor system differs significantly from that at USMA and USAFA. The following is a summary of the basic mechanics of the system. The topic of the "legality" of the USNA proceedings, which is closely related to "mechanics" is addressed in sub-paragraph (4).

A suspected honor offense may be reported as follows:

(a) Midshipman reported: direct to Honor Chairman.

(b) Academic Officer or Professor: via Division Liaison Officer to Department Head to Commandant to Officer Representative of the Honor Committee to Honor Chairman.

(c) Company (Tactical) Officer: to Battalion Officer to Commandant to Officer Representative to Honor Chairman.

The Honor Chairman may terminate (dismiss) a midshipman-reported incident. He may not terminate an Officer/Professor-reported incident. He only terminates incidents when he feels that relevant facts do not constitute the need for further proceedings. If it is not dismissed, the case next goes to the Midshipman Deputy Vice-Chairman who prepares a charge sheet and assigns an Investigating Officer of class rank or higher than the suspected offender. The Investigating Officer is responsible for presenting the case to the class Investigating Board. Concurrently, the first class Honor Board Coordinator sets up an Investigating Board consisting of:

(a) 5 Battalion representatives of the member's class.

(b) President of suspect's class (no vote).

(c) Recording Secretary (no vote).
(Vice Chairman in the case of fourth class offense.)

The Board decides by majority vote if the case is to go to a full Honor Board. During the investigating board the individual charged is present and states his case. No legal representative is present, but the individual charged does have an advisor who is a midshipman honor representative. If he does not desire assistance, the suspected offender must affirm such in writing.

First class suspected offenders do not have investigating boards, but go immediately to a full Honor Board. If the majority vote (greater than 50 percent) is yes, the case goes to a full board. If the vote is no, the Honor Chairman may terminate case or request a rehearing - the second hearing's vote is binding upon the Honor Chairman. The first class Honor Board Coordinator then continues a full Brigade Honor Board consisting of:

(a) 5 Battalion first class representatives (i.e., one each from a company in each Battalion).

(b) Chairman or Vice Chairman (no vote).

(c) Recording Secretary (no vote).

(d) Class president plus class president from all higher classes (first class president sits only on first class cases).

(e) Brigade Commander or a 5 striper.

(f) Minimum of 7 and maximum of 9 voting.

A guilty vote consists of 2 less than unanimous, i.e., 5 of 7, 6 of 8, or 7 of 9. The accused and his advisor will be present during all proceedings except closed board discussions and balloting. If a finding is not guilty, the accused is so advised and the case is dismissed. If a finding is guilty, the accused is so advised and told that an additional vote is to be taken regarding retention or separation. The only factors considered are those of extenuation, a valid partial excuse for a violation of the Honor Concept. During the vote for retention or separation, all voting members separately write out their recommendations together with their justifications. The resulting vote together with the individual ballots are then forwarded to the Commandant of Midshipmen via the Officer Representative and Staff Judge Advocate for review. The Officer Representative and the Legal Officer are a safety measure to insure that any errors in procedure are detected and that an individual's rights have not been violated placing a finding in legal jeopardy and thus endangering the reputation of the Naval Academy. The findings are then forwarded to the Commandant who reviews the proceeding and conducts a personal hearing with the accused who is given the opportunity to present new evidence and matters in extenuation. The Commandant may order retention or send the case back for a rehearing by the Brigade Honor Board. Should the Commandant determine that separation is warranted, he forwards the entire case to the Superintendent who may order retention, a rehearing, or refer the case with his recommendations for separation to the Under Secretary of the Navy.

No midshipman or staff and faculty member is obligated to turn in a suspected offender for any reason other than his own conscience. This is both a strength and weakness in the concept. It allows for individual midshipmen determinations of whether to counsel an individual or turn him in to the Honor Committee. At USMA and USAFA there is no such option; consequently, they will both show a greater "turn-in" or "violations reported" rate than USNA. Whereas a suspected offense at USMA or USAFA will, by virtue of their respective codes, be more likely to require time-consuming deliberation to reach a not-guilty vote, the USNA concept probably reduces the administrative load considerably because of individual midshipman decisions to counsel or not report violations. The administrative procedure at USNA is amplified in the USNA instructions, "Honor Concept", at Appendix 10.

(4) Legality of Honor Proceedings at USNA. There is a substantial difference in the relative power of the honor board at the Naval Academy compared to the honor boards at USMA and USAFA. There is no officer board provision at USNA, because the Midshipman Honor Board appears to meet "due process" requirements and as such its recommendations to the Commandant and Superintendent are final. In order to maintain its present status, the Midshipman Honor Board must conduct itself in a more legalistic manner than either of the cadet boards at USMA or USAFA. The legal staff at USNA has kept itself well-informed as to legal requirements needed to satisfy a civil court. As a result of the 1972 Court of Appeals decision in the Hagopian Case, which set a standard for the discharge of a cadet at USMA for conduct, and in anticipation of the Court of Appeals decision in the Andrews-White case of January 1975 (dismissal for honor), the Naval Academy instituted certain procedures. These procedures are such that the Midshipman Honor Board fulfills the functions of both the Cadet Honor Board and officer boards at USMA and USAFA. Some of the procedures instituted at USNA designed to fulfill "due process" requirements are:

(a) Written notice of charges together with a list of witnesses for cross-examination.

(b) Adequate time (minimum three working days) for defense preparation.

(c) Availability of legal counsel to assist in the preparation of the case, but not the entitlement of that counsel to present at the hearing.

The above procedures are designed to meet the legal requirements for a "fair hearing". In contrast, the present USMA Honor Board procedures are informal and do not:

(a) provide written notice of charges.

(b) provide a list of witnesses.

(c) allow for cross-examination of a witness by the accused.

(d) provide in writing the provision for adequate time for defense preparation or availability of counsel.

(5) Officer Representation to the Brigade Honor Committee. The Officer Representative to the Brigade Honor Committee is a colateral duty similar to that of the Deputy Commandant at USMA. He is a high calibre officer, generally in the grade of Commander and usually a Battalion Officer. He reviews all Honor Board proceedings in detail and refers the proceedings to the Staff Judge Advocate for review. He provides guidance to the Brigade Honor Chairman and his staff, and he keeps the Commandant and Superintendent current on up-coming cases, particularly those potentially of great public interest. He is a very busy individual and cannot devote the amount of time to his colateral duty as may be desired. However, USNA is against a dedicated full-time officer representative because of a feeling of not being able to justify economically such a position.

(6) Retention. Often labeled with the misnomer, "honor probation", retention is the USNA equivalent to the USAFA "discretion". Retention is applied only after a guilty finding by the Midshipman Honor Board. The Midshipman Honor Board may or may not concur. At the Midshipman Honor Board level, only matters in extenuation are considered. The Commandant's review consists of a personal interview with the accused and a personal study of the proceedings and board recommendations. At the interview the accused is given the opportunity to present new evidence and matters in extenuation. The Commandant does not consider matters in mitigation. He may order retention or refer the case to the Superintendent with his recommendation for separation. The Superintendent then reviews the entire case and forwards his recommendation to the Under Secretary of the Navy. Both the Superintendent and the Under Secretary of the Navy consider matters in mitigation and both may order retention. In summary, retention may be recommended by the Brigade Honor Board based on matters in extenuation only. Retention may be decreed by the Commandant for matters in extenuation and by both the Superintendent and Under Secretary of the Navy for matters in mitigation.

(7) Honor Instruction. In the past midshipmen have received honor instruction during their first summer from company honor representatives. No further instruction was presented in later years. It is the Committee's understanding that the honor instruction program at USNA is now under revision. There is a concerted effort in progress to reindoctrinate the three underclasses. This is being accomplished with seminars and extra emphasis to the incoming fourth class by an indoctrination lecture given by the Commandant of Midshipman. It was our committee's impression that the increased emphasis on honor was designed to bring about increased awareness within the Brigade. At both USMA and USAFA the inclusion of the non-toleration clause makes personal decisions theoretically very clear. However, the lack of the non-toleration clause at USNA necessitates a full understanding of the "three options" open to a midshipman upon observing a possible honor violation. Unfortunately, there is a fourth option, one for which there is, unlike at USMA/USAFA, no repercussions - do nothing.

(8) Academic and Tactical Department Perceptions of Honor and the Honor System.

(a) Academic Professor Perceptions. The committee met with two groups of professors at USNA (military and civilian) and discussed the honor system, generally, and questioned whether it was administrated effectively in academic circles at USNA, specifically. The reactions from professors were mixed; some were particularly negative toward the USNA Honor Concept and System. Their comments regarding academic sanctions in lieu of "other" sanctions were most interesting. Several science instructors at USNA stated that they would not turn in a midshipman for cheating. The two main rationalizations were:

1. The violator would be acquitted anyway, indicating no faith in the Midshipman Honor Board.

2. They believed separation was too severe a punishment for academic cheating.

It was the Committee's impression that many of the science faculty, of which 50% are civilian, did not understand the conept and its mechanics and as a result were in effect, undermining the concept by inaction and non-support. In general, the hard science department seemed very discouraged and apathetic toward the Naval Academy Honor Concept. This impression was not found in the English, History and Government Departments. Generally, the academic departments at USNA seemed to be in competition with the Tactical Department for both midshipman time and "toleration", the academic side being more lenient for the reasons stated above. Examples of academic professors making an end-run around the Honor Concept were:

1. Total toleration.

2. Confronting the offender with the facts and docking his grade. (There have been cases where a midshipman has accepted a lower grade in lieu of being reported for academic cheating.)

(b) Tactical Officer Perceptions: The USNA Company Officers gave the impression of being disappointed with current midshipman honor standards. Although they try to stay out of honor proceedings and only get involved when notified by the honor chairman, there is an increasing tendency not to ignore honor violations as in the past. They encourage the use of the Concept, and a few show some desire for a "non-toleration" clause. They lean so only because they feel that many midshipmen may be rationalizing away honor violations. The Committee sensed a feeling that company officers were not satisfied with the current system, because of widespread toleration beyond the principles of the concept.

c. Honor Codes and Systems at Other Colleges and Universities. The Committee requested by letter (sample at Appendix 11) information pertaining to the honor codes and systems of 20 major colleges and universities. Replies were received from eleven of them, and summaries of the honor systems at six of those on which information was received are included below. Information received from those six institutions summarized below is inclosed at Appendix 12.

(1) Colleges and Universities Queried.

Cornell
Columbia
Rensselaer
Oral Roberts*
Pennsylvania State
Texas A&M*
Brigham Young*
Norwich*
Washington & Lee*
Stanford*
Virginia (School of Law)
Virginia Military Institute*
San Diego (School of Law)*
Georgetown
Emory*
Notre Dame*
Harvard (School of Law)
Simmons College
The Citadel*
Yale*

* Reply received.

(2) Summaries of Other Honor Systems.

(a) The Citadel: The statement of the honor code at the Citadel is identical to that of USMA. The Honor Committee is responsible for the running of the system within the Corps, and it consists of 1) a cadet representative from each company, 2) a cadet representative from each battalion, and 3) a faculty advisor. All cadet representatives are elected each year by the lower three classes. Those nominated by the companies are reviewed by the Honor Committee and those approved, voted on within the company or battalion for the position. Violations are reported to company honor representatives. The alleged violation is investigated by the investigating committee of the Honor Committee, and a determination as to whether there may have been a violation is made. A trial is conducted by the Honor Committee if the investigating committee feels there may have been a violation. The trial proceedings follow basic legal procedures and guarantee the accused of his rights. If an individual is found not guilty, all records are destroyed. If no recommendation for leniency is made, the accused has the option to appeal or resign.

(b) Emory College: The Emory College Honor System has existed for nearly half a century. The system has had widespread student support and is student initiated and regulated. It consists of a preamble and seven articles. The subject material of the articles is all different and deals with such things as the functions of the honor council, the jurisdiction of the honor council, reporting cases, and the Honor Pledge. Basically, the honor system at Emory states that every student has the responsibility for maintaining a standard of unimpeachable honor in all academic work. As part of the Honor System an individual has the duty to report all suspected cases of dishonesty to the Honor Council or the Dean of the College. The Honor Council which consists of six members chosen by the College Council has the duty to handle only those cases which pertain to the academic work of a student. The council must have a unanimous vote to determine an honor code violation. The Council can then recommend one of the following punishments to the Dean: a verbal reprimand with no written record on the student's personal file, an Honor Council "F" in the course on the student's personal performance record and on his permanent transcript, suspension, or dismissal. During a board hearing a student is allowed to have legal counsel. The Honor Council assures the student a selection of faculty members who are familiar with the procedures of the Council, who are competent in matters of counsel, and who are concerned with the welfare of the student. A written summary of the evidence is submitted to the Dean before any punitive action is taken. The articles of the code can be amended by a two thirds vote of the Honor Council with the ratification of the majority vote of the Student Body of the College. The Council must also have the consent of the administration before any amendments are approved.

(c) Norwich University: The essential statement of the Norwich University Honor Code is based on the principles "that a cadet will not lie, cheat, evade the truth, conspire to deceive, nor steal." The administration of the honor system lies with the Corps Honor Committee. The committee is composed of 12 senior members who are elected at large, each year, from the upcoming Senior class. To aid the Corps Honor Committee in accomplishing its mission, junior and sophomore honor committees are elected in the same manner Violations of the code are reported to any member of the Honor Committee. All reported violations are investigated in a confidential manner and a report is rendered. Based on the report, the Corps Honor Committee Chairman determines if there are sufficient grounds for a hearing. All hearings are confidential, follow standard procedures, and guarantee basic rights. In order for an Honor Board or hearing to be convened, at least 3/4 of the Corps Honor Committee must be present. In order for a ruling of guilty to be rendered, a minimum majority of the members present must vote guilty. If the accused is found guilty by the Honor Board, he may either appeal the case to the President of the University or accept punishment. Punishment varies with the offense and circumstances as follows:

1. If found guilty of stealing, the cadet will be dismissed from the University and the Corps.

2. If found guilty of violations other than stealing, the cadet may be suspended from the University and the Corps for one year or less severely punished.

3. If a cadet reports himself for any violation (other than stealing) prior to being reported or confronted by another, he may receive punishment less severe than suspension from the University, except where evidence indicates premeditation.

4. If a cadet is found guilty of a second violation of the Honor Code, he will be dismissed from the University and the Corps.

(d) University of San Diego, School of Law: The honor code applies to any academic matter pertaining to the University of San Diego, School of Law. "Academic matter" is defined as any student activity which may affect a grade or any law-school-related extracurricular activity of a professional nature. Violations of the code include:

1. Unauthorized use of materials.

2. False submission of one's own work or misrepresentation of any work.

3. Failure to comply with academic rules relating to honesty and integrity.

4. Misuse, in any form, or theft of library material.

5. Any fraudulent or dishonest conduct which tends to gain an unfair advantage for that person or another.

6. False testimony in relation to an honor case.

Violations are investigated and heard by an Honor court. The composition of the court is: Six justices - 3 faculty members and 3 students, two student alternates for each student justice and one faculty alternate for each faculty justice, an Honor Court counsel - student, and a student and faculty preliminary examiner. The students may run for election to any position and are elected by the student body. The faculty members are selected. Violations are brought to the Court's attention by filing a written complaint. The complaint will be investigated and a determination will be made by the preliminary examiners as to whether there was a violation of the honor code and, if so, what provisions. If it is determined that a violation may have been committed, the accused is notified and a hearing is set. The conduct of the hearing follows basic legal procedures. Regardless of the verdict, the court presents a written opinion of their verdict. Copies of these opinions are available for reference by any student or faculty member unless a student found innocent requests otherwise. A vote of guilty by 5 of the members on the court is necessary for the accused to be found guilty. If the accused is found guilty, the sanctions available are: warning, censure (a written reprimand), a disciplinary probation, restitution, recommendation of suspension, or expulsion. In choosing a sanction, any other records of the student may be considered. The accused may petition for a rehearing if he desires.

(e) Virginia Military Institute: The Honor Code has been in existence at VMI since the institution was founded in 1839. The code is based on the principle that all cadets must act as gentlemen who do not lie, cheat, or steal. The code is a very important part of every phase of cadet life. The code receives the widespread support of the Corps of Cadets and as a result every suspicion of a violation of this code must be reported immediately. This is a duty to which every cadet is honor bound. The feeling at VMI is that the code belongs not only to the cadets, but also to the faculty members as well as the graduates of VMI. The only punishment for an honor violation is dismissal. If the defendant is a third or fourth classman, the President of the Court will select a member from the defendant's class to sit on the board. It takes at least three votes of not guilty out of eleven voting members for a defendant to be found not guilty. There is no discretionary clause at VMI, so a cadet can only be found guilty or not guilty. A cadet who is found not guilty is immediately exonerated of all charges and bears no stigma. If he is found guilty, the Superintendent is notified of the court's decision and he is immediately dismissed. Some common violations occur in obtaining leaves (permits), the all rights, roll calls, official records, academic work, instigation, and stealing. All prosecutors are honor bound to keep all information concerning the board completely secret; failure to do so is an honor violation. When the honor court is in progress, the accused is informed of his rights and has sufficient time to obtain counsel and to gather evidence to rebut the prosecutor's case. An accused has the option to stand trial for an offense or to plead guilty and resign. In any case there is no such thing as an officer's board such as that at USMA. Cases that are referred to a faculty board of inquiry are composed of not less than five members, which normally include two cadets. The board makes recommendations to the Superintendent who makes a final decision in a particular case.

(f) Washington and Lee University: The honor system of Washington and Lee University is based on the principle that: "a man shall conduct himself as a gentleman at all times." The honor system at the University can be summarized in the following statement: "A Washington and Lee student is to conduct himself as a gentleman in matters of honor at all times; he is trusted and assumes the obligation to be trustworthy." Examples of violations of the honor system are those cases of lying, cheating, and stealing which are deemed dishonorable to the student generation at the University. The result of a violation of the honor system is permanent dismissal from the University. Every student at the University has two responsibilities to the honor system. He must conduct himself as a gentleman at all times and he must report any suspected violation of the system by another student to the Executive

Committee of the Student Body. The Executive Committee is a group duly elected by the students to represent student opinion and is in no way responsible to the faculty or administration. Its sole responsibility is to hear cases and to render a verdict of guilty or not guilty based upon the evidence that is presented. All proceedings are strictly confidential. If a student is found guilty of an honor violation, he may appeal his case to a student body hearing with a jury of twelve students who are selected at random from the student body. The verdict of the student body is final. The student body can either reverse the decision of the Executive Committee (not guilty) or uphold the decision.

Some interesting aspects of the honor system are that all students feel that no violation is too small to report, the Executive Committee recognizes no physical or geographical boundaries to the honor system, and that the use of pledges is strongly discouraged as the Executive Committee feels that the use of a man's word of honor to regulate trivialities is dangerous and should be avoided. The Honor System is supported by the student body and is an important aspect in the daily development of a student's life at the University.

5. CONCLUSIONS.

The Committee concludes that there are several issues that have been raised in the study of the honor codes and systems at USNA and USAFA that deserve serious consideration for the possible improvement of the honor system at USMA. The review of honor systems at other colleges and universities has been particularly helpful to the Committee in assessing the present-day posture of the honor code and system at West Point compared to those at other institutions. It is gratifying to know that there are so many other places in our country where honor is given a priority among those traits of character that institutions such as USMA wish to inculcate in their students. Issues for further consideration are:

a. The "non-toleration" clause of the honor code at USMA (and USAFA) is absolutely essential to the meaning and sustenance of the Honor Code and System at West Point. As an issue, it may need reaffirmation among some cadets.

b. The Cadet Honor Committee requires greater administrative support and professional guidance than it now receives. This could be provided by a full-time officer representative, similar to that at USAFA.

c. The honor instruction program should be extended beyond the fourth class summer training period, and the program should consist of graduated instruction in honor and professional ethics over four years.

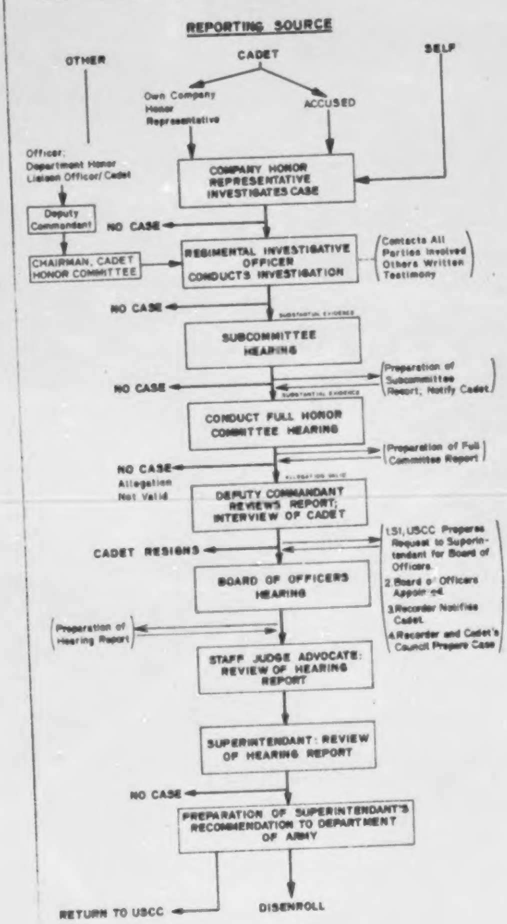
d. Some form of "discretion", possibly in the form of that now exercised at USAFA, should be considered as a provision of the USMA Honor System.

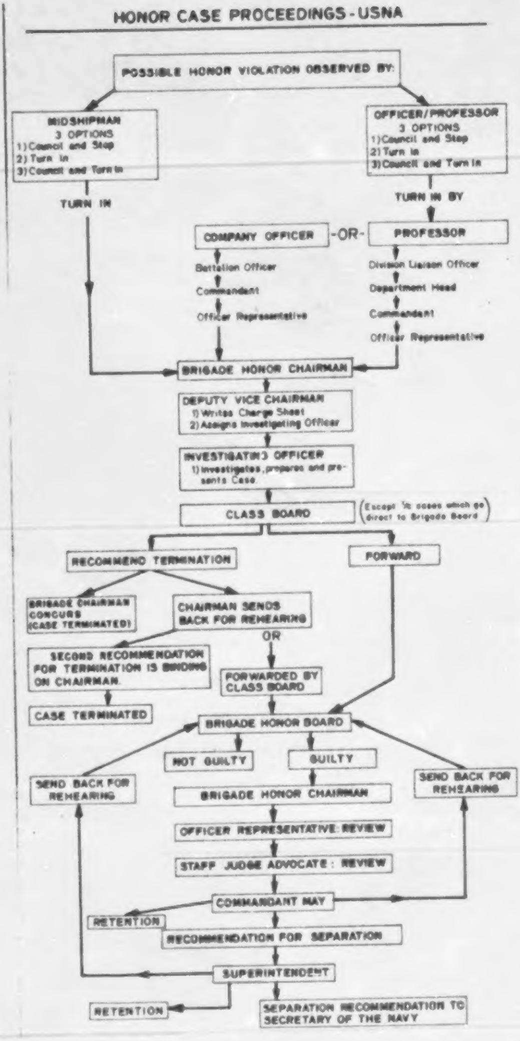
e. Consideration should be given to creating a much greater sense of "awareness" with regard to honor among cadets, and the staff and faculty at USMA. Ways in which this could be accomplished, as is now done at USNA and USAFA, have been mentioned previously in this report.

f. In order to allow the exchange of information pertaining to honor among the three service academies, consideration should be given to allowing the chairmen of the Cadet/Midshipmen Honor Committees and their officer representatives to accompany their respective Superintendents and convene their own "honor conference" at the time of the Annual Superintendent's Conference or at some other appropriate time.

Appendix 1 - USMA, USNA, USAFA Procedures Comparison (Honor Violation).
Appendix 2 - Honor Instructions for All Honor Representatives, USAFA.
Appendix 3 - Procedures for Review and Removal of Honor Representatives for Cause, USAFA.
Appendix 4 - Honor Committee Job Description, USAFA.
Appendix 5 - Honor Reference Handbook, USAFA.
Appendix 6 - Discretion Case, USAFA.
Appendix 7 - Job Description of the Executive for Honor and Ethics, USAFA.
Appendix 8 - Honor Instruction Manual, USAFA.
Appendix 9 - Ethics Instruction Manual, USAFA.
Appendix 10- The Honor Concept of the Brigade of Midshipmen, USNA.
Appendix 11- Sample Letter, Civilian University.
Appendix 12- Responses from Selected Civilian Universities.

HONOR CASE PROCEEDINGS - USMA

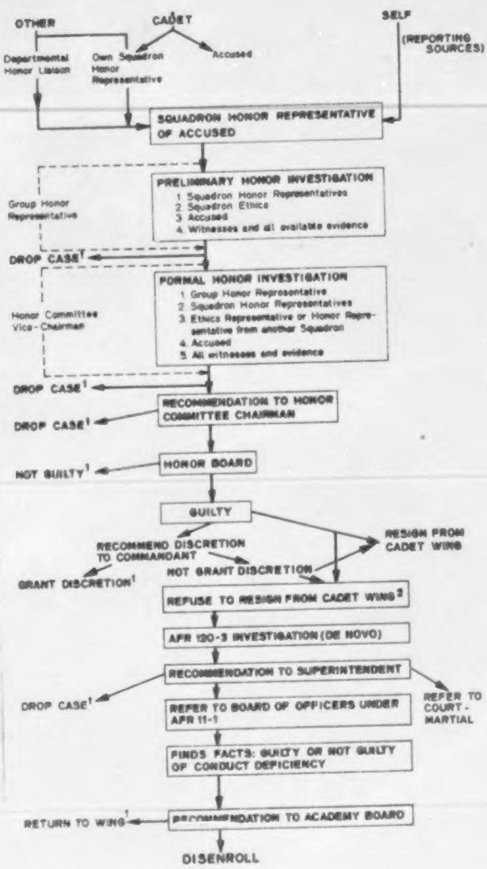

REPORTING SOURCE
OTHER
CADET
SELF
Own Company Honor Representative
ACCUSED
Officer; Department Honor Liaison Officer/Cadet
COMPANY HONOR REPRESENTATIVE INVESTIGATES CASE
Deputy Commandant
NO CASE
CHAIRMAN, CADET HONOR COMMITTEE
REGIMENTAL INVESTIGATIVE OFFICER CONDUCTS INVESTIGATION
Contacts All Parties Involved Others Written Testimony
NO CASE
SUBSTANTIAL EVIDENCE
SUBCOMMITTEE HEARING
NO CASE
Preparation of Subcommittee Report; Notify Cadet.
SUBSTANTIAL EVIDENCE
CONDUCT FULL HONOR COMMITTEE HEARING
NO CASE Allegation Not Valid
Preparation of Full Committee Report
ALLEGATION VALID
DEPUTY COMMANDANT REVIEWS REPORT; INTERVIEW OF CADET
CADET RESIGNS
1.S1, USCC Prepares Request to Superintendant for Board of Officers.
2.Board of Officers Appointed.
3.Recorder Notifies Cadet.
4.Recorder and Cadet's Council Prepare Case
BOARD OF OFFICERS HEARING
Preparation of Hearing Report
STAFF JUDGE ADVOCATE: REVIEW OF HEARING REPORT
SUPERINTENDANT: REVIEW OF HEARING REPORT
NO CASE
PREPARATION OF SUPERINTENDANT'S RECOMMENDATION TO DEPARTMENT OF ARMY
RETURN TO USCC
DISENROLL



HONOR CASE PROCEEDINGS - USNA

POSSIBLE HONOR VIOLATION OBSERVED BY:
MIDSHIPMAN
3 OPTIONS
1) Council and Stop
2) Turn in
3) Council and Turn in
OFFICER/PROFESSOR
3 OPTIONS
1) Council and Stop
2) Turn in
3) Council and Turn in
TURN IN
TURN IN BY
COMPANY OFFICER
-OR-
PROFESSOR
Battalion Officer
Commandant
Officer Representative
Division Liaison Officer
Department Head
Commandant
Officer Representative
BRIGADE HONOR CHAIRMAN
DEPUTY VICE CHAIRMAN
1) Writes Charge Sheet
2) Assigns Investigating Officer
INVESTIGATING OFFICER
1) Investigates, prepares and presents Case
CLASS BOARD
(Except 1/c cases which go direct to Brigade Board)
RECOMMEND TERMINATION
FORWARD
BRIGADE CHAIRMAN CONCURS (CASE TERMINATED)
CHAIRMAN SENDS BACK FOR REHEARING
OR
SECOND RECOMMENDATION FOR TERMINATION IS BINDING ON CHAIRMAN.
FORWARDED BY CLASS BOARD
CASE TERMINATED
BRIGADE HONOR BOARD
NOT GUILTY
GUILTY
SEND BACK FOR REHEARING
SEND BACK FOR REHEARING
BRIGADE HONOR CHAIRMAN
OFFICER REPRESENTATIVE: REVIEW
STAFF JUDGE ADVOCATE: REVIEW
COMMANDANT MAY
RETENTION
RECOMMENDATION FOR SEPARATION
SUPERINTENDENT
RETENTION
SEPARATION RECOMMENDATION TO SECRETARY OF THE NAVY

HONOR CASE PROCEEDINGS-USAFA


OTHER
CADET
SELF
(REPORTING SOURCES)
Departmental Honor Liaison
Own Squadron Honor Representative
Accused
SQUADRON HONOR REPRESENTATIVE OF ACCUSED
Group Honor Representative
PRELIMINARY HONOR INVESTIGATION
1. Squadron Honor Representatives
2. Squadron Ethics
3. Accused
4. Witnesses and all available evidence
DROP CASE[1]
Honor Committee Vice-Chairman
FORMAL HONOR INVESTIGATION
1. Group Honor Representative
2. Squadron Honor Representatives
3. Ethics Representative or Honor Representative from another Squadron
4. Accused
5. All witnesses and evidence
DROP CASE[1]
RECOMMENDATION TO HONOR COMMITTEE CHAIRMAN
DROP CASE[1]
HONOR BOARD
NOT GUILTY[1]
GUILTY
RESIGN FROM CADET WING
RECOMMEND DISCRETION TO COMMANDANT
GRANT DISCRETION[1]
NOT GRANT DISCRETION
REFUSE TO RESIGN FROM CADET WING[2]
AFR 120-3 INVESTIGATION (DE NOVO)
RECOMMENDATION TO SUPERINTENDENT
DROP CASE[1]
REFER TO COURT-MARTIAL
REFER TO BOARD OF OFFICERS UNDER AFR 11-1
FINDS FACTS: GUILTY OR NOT GUILTY OF CONDUCT DEFICIENCY
RETURN TO WING[1]
RECOMMENDATION TO ACADEMY BOARD
DISENROLL

[1] In all cases, the cadet is returned to the Wing in good standing and without prejudice

[2] Once a cadet has refused to resign, he is appointed legal council and all subsequent proceedings are judicial and adversary in nature. Judicial safeguards are applicable

APPENDIX 2

15 May 1973

HONOR INSTRUCTIONS FOR ALL HONOR REPRESENTATIVES

This procedure provides the information and direction necessary for honor investigations and boards. It supplements information contained in the Honor Reference Handbook of the Air Force Cadet Wing.

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Honor Checklist for all Honor Representatives

This checklist will be followed for all preliminary investigations, investigations, and honor hearings. It supplements the Honor Reference Handbook of the Air Force Cadet Wing.

1. When a suspected honor violation is reported to an honor representative, he will:

a. If the suspected honor violator is in his squadron, notify his particular group honor representative that an honor investigation is pending in his squadron and inform him of all details of the suspected violation.

b. If the suspected violation is in another squadron, notify the squadron honor representative of the squadron involved and inform him of all details of the suspected violation. The squadron honor representative of the squadron involved will comply with "a" above.

2. If the suspected violation involves academic cheating, the squadron honor representative will notify the department honor liaison cadet for the department involved and inform him of all details of the suspected violation. The department honor liaison cadet will then notify the department honor liaison officer and inform him of all details of the suspected violation.

3. When a group honor representative is notified that an honor investigation is pending, he will notify the Honor Committee Chairman of all details concerning the suspected violation.

4. The squadron honor representative will open and maintain a folder to contain all notes, statements, and evidence concerning the suspected violation.

Preliminary Investigation

1. Whenever an honor representative questions any individual concerning a suspected honor violation, he will insure that one or more cadets are with him to act as witnesses.

2. After the squadron honor representative has completed the reporting procedures outlined above, he will confront the suspected violator, and

a. Advise him, "Cadet (Suspect) , you are suspected of violating the Honor Code by (lying, cheating, stealing, etc.). I am (Investigator) , the honor representative assigned to investigate the charges against you, and I want to ask you some questions."

b. Briefly explain the nature of the suspected violation to the suspected violator.

c. Ask the suspected violator to immediately prepare and sign a written statement explaining all that he knows of the suspected violation.

d. At this point, the squadron honor representative will ask the suspected violator questions concerning specific details of the suspected violation.

e. All additional information given by the suspected violator will be included in a written statement prepared and signed by him.

f. If the suspected violator will give verbal statements but refuses to put them in writing, the honor representatives will prepare and sign a written summary of the suspect's statements.

3. The squadron honor representative will then confront every individual who has, or might possibly have, any knowledge of the suspected violation. Evidence will be gathered to evaluate the validity of every detail of the information the suspected violator may provide. When questioning any individual, the squadron honor representative will insure that he has one or more witnesses with him, that he provides the individual the same advice he has given the suspect, and that information provided is included in a written statement prepared and signed by that individual. It is imperative that all aspects of the suspected violation are thoroughly and carefully investigated.

4. If, on the basis of the evidence gathered in the preliminary investigation, the squadron honor representative is certain beyond any doubt that an honor violation has not occurred and decides that a formal investigation is not necessary, he will forward the folder on the suspected violation to the group honor representative. The group honor representative will review the notes, statements, and evidence contained in the folder and if he concurs with the decision of the squadron honor representative, he will then forward the folder to the Chairman of the Cadet Honor Committee for review and final decision. If either the group representative or the chairman do not agree with the decision of the squadron honor representative, they will initiate a formal investigation. Following a decision not to bring the case to a formal investigation, all parties - officers and cadets - involved in the case should be notified.

5. If, on the basis of the evidence gathered in the preliminary investigation, the squadron honor representative decides that a formal investigation is necessary, he will contact the group honor representative to make arrangements for a formal investigation.

6. The suspected violator will be informed of all decisions concerning the disposition of his case.

Formal Investigation

1. The group honor representative, in conjunction with the squadron honor representative, will determine the time and place to conduct the formal investigation. The group honor representative will be responsible for the supervision of all aspects of the formal investigation. Investigations will be conducted on a non-adversary basis. Questioning will not be unduly prolonged and will avoid any element of coercion, duress, or undue influence. Investigative practices such as misrepresentation, entrapment, and threats of prosecution will not be used under any circumstances.

2. The squadron honor representative will contact the Honor Committee legal advisor for any necessary legal advice concerning the case.

3. The following individuals will constitute the formal investigation team:

a. The group honor representative, who will act as chairman.

b. The first class honor representative of the squadron involved. (The second class honor representative of the squadron involved will be present as an observor and a recorder.)

c. The first class ethics representative of the squadron involved, if appropriate.

d. The appropriate department honor liaison cadet if academic cheating was involved, or a first class or second class honor representative from another squadron within the group (chosen by the group honor representative if academic cheating was not involved).

4. The group honor representative will notify all members of the investigating team of the time and place of the formal investigation.

5. The squadron honor representative will notify all individuals needed to give testimony of the time and place of the formal investigation.

6. The formal investigation will be conducted in the following manner:

a. The group honor representative will act as the chairman of the investigating team.

b. The squadron honor representative will brief the investigating team of all the evidence gathered during the preliminary investigation. The suspected violator will not be present at this time.

c. Before the suspected violator is questioned, he will again be informed of the offense of which he is accused.

d. The suspected violator will be shown the copy of his original statements concerning the suspected violation, and will be asked to make any changes and/or additions and to initial any such changes and/or additions.

e. At this time, the suspected violator should verbally relate his knowledge of the suspected violation.

f. Members of the investigating committee may then question the suspected violator.

g. The investigating team may question any other individual who might have any knowledge of the suspected violation.

h. Any new or conflicting information obtained during the formal investigation will be included in a written statement prepared and signed by the individual providing the information.

7. After questioning, the suspected violator and any other individuals being questioned concerning the suspected violation will be dismissed. The investigating team will discuss whether or not the suspected violator should be brought before an honor board. A decision of the group honor representative that the case should be brought before a board will be binding on the investigating team.

8. If the investigating team decides that a suspected violator should not go before a board, the group honor representative will insure that all notes, evidence, and statements are in the case folder and forward the folder to the Honor Committee chairman. The chairman will review the folder and should he decide, he may overrule the investigating team's decision not to take the suspected violator before an honor board. The chairman of the Honor Committee will make the final decision in all cases as to whether or not a suspected violator will go before an honor board. If he concurs with a decision by the investigating team not to take the suspected violator before an honor board, he will keep the folder on file for the remainder of the academic year, at the end of which it will be destroyed in a proper manner. Following a decision not to bring a case before a board, all parties - officers and cadets - involved in the case should be so notified.

9. If the investigating team should decide that the suspected violator should go before an honor board, the group honor representative will:

a. Notify the chairman of the Honor Committee, who will decide a time and place to conduct the honor board, and if the honor board will be open or closed.

b. Insure that the Commandant and his Executive for Honor and Ethics are briefed on the case by a member of the investigating team. The Commandant determines whether or not the evidence discloses a serious offense under military law. If so, investigation is initiated under military law and honor inquiries are suspended. At this point, the suspected cadet is afforded all rights and privileges of an accused under the UCMJ including the entitlement to counsel.

c. If academic cheating was involved, insure that the department honor liaison cadet notifies the appropriate department honor liaison officer, and makes arrangements for members of the department to attend the honor hearing (if open) or to act as witnesses.

10. The squadron honor representative will:

a. Notify the suspected violator of the decision, and brief him of all details of the honor board proceedings including his right to call witnesses on his behalf.

b. Notify the suspected violator that he cannot be represented by legal counsel at the honor board proceedings, but legal advice concerning his particular case will be made available to him by the Law Department prior to the convening of the honor board if he so desires.

c. Notify the suspected violator that the honor board proceedings may be closed if he so desires.

d. Notify the Squadron Commander and Air Officer Commanding of the time and place of the honor board.

e. Notify the suspected violator and all witnesses of the time and place of the honor board and brief them on the appropriate details of the honor board proceedings.

Procedures for Honor Hearings

1. When a hearing is scheduled, the Honor Committee recorder will schedule eight honor representatives (not including the honor representatives from the suspected violator's squadron or those honor representatives on the formal

investigation team), two from each group, to hear the case as voting members of an honor board. Only first class honor representatives will vote on honor cases until a date in the spring of each year, to be selected by the Honor Committee, when a combination of first and second class cadets may comprise the board. At a date after 1 May of each year, to be selected by the Honor Committee, boards may be comprised of only second class cadets. In all first class cases, only first class honor representatives will be used to constitute an honor board.

2. One second class cadet will serve as recorder for the honor board. Another second class cadet will serve as sergeant-at-arms to take roll, operate the tape recorder, and assist in maintaining order. The recorder will check all notes to the honor board from the audience to insure that they are not pejorative in nature or insulting to any board members.

3. A first or second class honor representative from each squadron will attend each hearing. That honor representative will be responsible for briefing his entire squadron concerning the facts of the case as soon as the honor hearing summary is released.

4. The honor hearing will be presided over by the chairman, vice chairman or the secretary of the Honor Committee. The chairman of the particular board will not vote unless his vote is needed for the required eight voting members. Prior to the appearance of the suspected violator, the chairman will:

a. Insure that the investigation folder is available and complete with the necessary items accomplished on the check list.

b. Insure the role roster is complete.

c. Read the following pre-hearing and hearing instructions:

> "May I have your attention. This honor hearing will now come to order. All cadets seated in the audience are reminded that this is a formal hearing and they will refrain from smoking and talking when the suspected violator is in the room. When the hearing begins, the suspected violator will be asked to explain the circumstances of the case after which the board members may individually question the suspected violator about the case if the suspected violator elects to testify. If anyone in the audience has any questions or knows any facts which should be brought to the attention of the committee, please hand it in writing, signed, to the honor representative nearest you. Would squadron honor representatives please raise their hands. He will either answer the question for you or hand the question to the sergeant-at-arms (who is operating the tape recorder) and have the chairman ask the suspected violator the question prior to his departure from the room.

As soon as the questioning period is completed, additional facts pertaining to the case may be brought to the board's attention if you desire. Testimony from any witness will be taken and considered in the same manner as that of the suspected violator.

When all evidence has been taken this honor hearing will be adjourned and the board will recess for a short period prior to beginning deliberations. You are welcome to remain for the deliberations but are reminded that absolute order must be maintained. All comments or questions from the audience during deliberations will be written, signed, and handed in to the sergeant-at-arms. Any noise or demonstrated emotion that would place pressure on the board members will be cause for clearing the room. You are reminded that the testimony and verdict of the board are confidential until the case summary is released through the squadron honor representatives. After that time, the case may be discussed with cadets and personnel assigned to work directly with the Cadet Wing. Under no circumstances will the facts of this case, or any other case, be released to personnel outside the Academy."

The suspected violator should be brought into the room.

"Cadet __________, this honor board has convened to hear evidence and make findings concerning certain allegations that you violated the Honor Code by (lying, stealing, cheating, or tolerating).

Around this table are eight honor representatives - excluding myself (if applicable) and the recorder to my right - who will vote on your case. You have the right to object to any voting member if you feel that member cannot render a fair and impartial decision in your case. You must state the reason for your objection and the matter will be decided by a majority vote of the remaining members. Do you wish to object to any of the voting members?

Cadet __________, you are advised that you are entitled to be present during the presentation of all evidence. You will be given an opportunity to call witnesses and to present any relevant evidence you may wish to offer. You may testify in your behalf. In this regard, you are advised that honor investigations and hearings are not criminal proceedings, and the criminal law rules against compulsory self-incrimination do not apply. We believe that the Honor Code, which you have accepted, imposes a duty upon you as a cadet to disclose any relevant information you might have. However, if you prefer to testify, you will not be required to do so. If you choose not to testify, your silence will not be considered as evidence against you. If you do testify, any statements you make will not be used as evidence against you in any official proceedings that might later occur.

The board will first hear the evidence against you. You will then be given an opportunity to testify in your own behalf. The board will also call any witnesses you desire to testify in your behalf. Although you cannot directly cross-examine witnesses, if you feel that a witness should answer certain questions which have not been asked by the members of the board or are not included in a statement, you may call this to my attention and the board will make the necessary inquiry into the matter. Do you have paper and pencil for your own use? (Insure the suspected violator has paper and pencil.)

Cadet _________ (honor representative heading investigation team), will you summarize the evidence in this case including the statements of all witnesses?

Cadet (suspected violator), would you relate to the board in your own words the circumstances of the case _________ (Give time of situation, date, or action at which you want suspected violator to begin.) (Ask opening questions based on suspected violator's testimony to gain clarification for the board. Then allow other board members to start questioning.)

Cadet (suspected violator), do you have any witnesses or other evidence you would like the board to consider?"

Additional witnesses will be questioned in the following manner:

a. For all witnesses:

"Cadet _________, this board is convened to hear evidence and make findings concerning certain allegations that Cadet (suspected violator) violated the Cadet Honor Code by (lying, stealing, cheating or tolerating)."

b. Witness to facts:

"Cadet _________, would you please relate to the board what you know of this case."

c. Character witnesses:

"Cadet _________, Cadet (suspected violator) has asked you to testify in his behalf as a character reference. This honor board would like you to relate any specific actions or discussions concerning Cadet (suspected violator) where he demonstrated his sense of honor or integrity to you."

d. "Does the board have any questions?"

e. "Cadet (suspected violator), do you have any questions you would like to ask the witness?"

f. "Thank you, Cadet (witness). You are excused."

"Does anyone in the room desire to present evidence or testify regarding the case?

Cadet (suspected violator), you are excused while the board deliberates your case. The decision of the board will be announced as soon as possible by your squadron honor representatives to the entire Cadet Wing. You are reminded that this hearing is confidential, for your own protection.

The audience may remain for the deliberations, but you are again reminded that any disturbance or display of emotions that might place pressure on the board will cause the room to be cleared. You may write comments or questions, sign them and hand in to the sergeant-at-arms who will see that they are brought to the attention of the board if they are appropriate. The board is adjourned."

5. The hearing will be conducted as follows: A member of the investigation team will brief the board on the facts of the case in the presence of the suspected violator. The suspected violator will be advised of his rights and asked to give the board his explanation of the situation. If he elects to testify, he may be questioned by the board concerning any aspect of the case. Following his own testimony, the suspected violator may call any person to testify in his behalf. All testimony concerning the case will be given in the presence of the suspected violator. The witnesses will remain outside the hearing room until they are called for their testimony. All witnesses will be subject to the board's questioning and will be seated at the table with the board. Any cadet present at the hearing who desires to testify will be allowed to do so in the above-stated manner.

6. During the hearing of testimony, any cadet present may submit to an honor representative any question he may have regarding the case. These questions should be submitted in writing and signed. If the honor representative feels that the question is appropriate to the case, he passes the written question to the chairman through the sergeant-at-arms. The chairman will then ask the suspected violator or any witness the question.

7. Following the open question period, the board may adjourn prior to deliberations. The board will be called to order to commence deliberations.

8. Throughout the investigation and hearing of the case, a suspected violator will be presumed accused as opposed to innocent or guilty. This avoids the argument that if the suspected violator is a cadet in good standing his testimony must be accepted by other cadets as the truth.

9. During deliberations the board will discuss and vote by secret ballot on the guilt or innocence of all violations considered.

10. A verdict of guilty must be unanimous on the part of all eight voting members of the board.

11. If the verdict is guilty, the board may consider requesting the Commandant to grant "discretion". The general guidelines for discretion are:

a. The incident is self-reported.

b. The suspected violator's class and experience with the Code will be considered.

c. Some unusual pressure or circumstances in the case.

d. The suspected violator has learned a vital lesson and will be a credit to the Wing in the future in an honor sense.

The request for discretion requires a 6-2 affirmative vote.

12. After the final verdict is determined, the suspected violator will be informed of the decision.

13. The cadet found not guilty or granted discretion will be returned to the Wing in good standing and without prejudice. The chairman will remind all cadets present at the hearing that all matters discussed at the hearing are confidential and should not be discussed outside the room with anyone other than an honor representative.

14. A case summary on all cases will be written and published to the Wing. Not guilty and discretion cases will not include the man's name or squadron. Prior to departing the hearing room, the honor board will determine for the recorder the significant facts which should be included in the case summary.

15. If significant new evidence is produced following a hearing resulting in a guilty finding, this evidence will be presented to the board which voted on that

case. If the chairman or any voting member feels the case should be re-opened to hear the new evidence, a new board will be convened and the entire case will be reheard. Unless unusual, unforeseen evidence is uncovered, a not guilty case will not be re-opened.

Special Instructions for the Honor Board Chairman

1. During questioning by board members, if you believe some part of his testimony or answer needs to be clarified, it is your prerogative to ask him a question at any time.

2. Make sure both board members and suspected violator are talking loudly enough.

3. If talking in the audience occurs, ask for quiet in the room. Try to insure they are listening to testimony. If the disturbance continues, order the offenders to leave the room or close the hearing. Absolute firmness in dealing with a large audience is critical.

4. Insure no one talks to board members during testimony or deliberation.

5. Try to avoid repetitive questions.

While audience is questioning:

1. Recognize only those written and signed questions posed through honor representatives and the sergeant-at-arms.

2. If a board member desires to ask a question during questioning of audience, allow board member to do so. Do not let the audience ask so many questions that they dominate the proceedings.

3. Close questioning when no more questioning from audience or board members is forthcoming.

During deliberation:

1. Get board to relax and firmly warn the audience to maintain order.

2. Open up discussion by clarifying different areas of possible violation. Discuss every aspect of guilt or innocence before voting.

3. Remember the accused is to be judged as a reasonable man and that guilt is to

be proven beyond a reasonable doubt, not beyond all doubt, or a mathematical certainty.

4. Write out reasons why decision was reached for not guilty or guilty, and also reasons for requesting discretion or no discretion.

5. Summon the accused and announce decision to him. If advice from board is appropriate give this to accused. Dismiss the accused.

Procedures for Cadets Found Guilty

1. There is implicit in each finding of guilty by an honor board a request that the guilty man submit his resignation from the Cadet Wing for violating the Honor Code. However, he has other alternatives which must be made clear to him. He will be referred to DFL for advice concerning the rights and privileges available to him and the consequences of alternative courses of action.

2. The following procedures are to be followed after a finding of guilty when discretion is not requested.

a. The accused cadet will be billeted in the Command Post and the Officer-in-Charge will be advised of the cadet's status. The cadet will normally be escorted by a member of the Command Post at all times.

b. The cadet's AOC will be advised of the results of the hearing.

c. The cadet's parents will be informed by telephone within twenty-four hours. This call is to explain the situation to them and the alternatives available to their son. The cadet should be permitted to speak to his parents and choose the time of calling within reason.

d. Normally on the morning following the honor hearing, the cadet will be referred to DFL for legal advice to insure that he understands the implications of each of his choices. After legal briefing, he will be required, within a reasonable time, to make a decision to resign or to appeal the decision of the Honor Committee.

e. If he elects to resign, he will so designate on his legal counseling sheet and return to CWH. Following this decision, he will not attend further classes. He will then be scheduled for an exit interview with the Commandant of Cadets or, in his absence, the Vice Commandant.

f. Following his exit interview, the cadet is turned over to Cadet Personnel for out-processing. Until this processing is complete, the cadet will be billeted in the Command Post and attend all meals with the CCQ's.

g. The Deputy Chairman for Instruction may contact the cadet and request a taped exit interview for use in the education of the Wing. If the cadet agrees, it will be the responsibility of the Deputy Chairman for Instruction to arrange the interview and secure a signed statement from the guilty cadet stating, "I am giving this interview of my own free will and authorize the Cadet Honor Committee to use it for honor instruction at the United States Air Force Academy."

3. In cheating cases, RRR, DFSCS, and the department concerned should be notified immediately to enable them to correct academic records.

4. Cases involving findings of guilty by a cadet honor board where the accused cadet elects not to resign may be referred to a Board of Officers conducted in accordance with AFR 11-1. The cadet who elects not to resign will be returned to his squadron and will attend all classes and formations until the 11-1 board action is complete. The cadet will be assigned legal counsel to represent him at the board.

5. An officer will be assigned to investigate the case and to make a recommendation to the Superintendent regarding whether the case should be referred to a Board of Officers. If the Superintendent so elects, the case will be sent to a Board of Officers for their findings and recommendation. If the Board finds the man "not guilty" he will be returned to the Wing in good standing. If the man is found guilty and dismissal is recommended the accused will be dismissed from the Academy for conduct.

Honor Records

1. CWH will maintain complete records regarding all aspects of the operation of the Cadet Honor Committee. These records should include the details of instruction, specific cases, and general policy decisions. From these records current and complete statistics may be obtained. These statistics can be used to give insight into particular trends in the operation of the honor system.

2. The following records should be maintained by CWH.

a. Honor Review Committee Minutes. The Honor Review Committee should meet at least once each year to review the operation of the Honor Committee and to make recommendations to the Honor Committee through the Superintendent. The minutes of these meetings provide a prime source of Honor Code history for future reviewers.

b. Honor Case Summaries: Each honor case is given a case designation (e.g., AK) and the specifics of date of hearing, finding, class, squadron, alleged offense, and name and service number of those cadets found guilty. Following each honor hearing, a case summary assigned this designator will be written to cover the facts of the case. This summary will be filed permanently in the office of CWH as well as published and distributed to each squadron.

c. Evidence used in hearings such as written statements of witnesses, test papers, tape recordings of testimony, etc., will be retained by the Executive for Honor and Ethics for at least one year following the hearings of first classmen and for at least six months following the hearings of members of the three lower classes.

Procedure for Large Scale Honor Investigations

This procedure provides the information and direction necessary for a professional and standardized flow of events, entirely accomplished by cadets, should the requirement exist for a large scale honor investigation. It supplements information contained in the Honor Reference Handbook of the Air Force Cadet Wing.

1. General. The Honor Committee, under the direction of the chairman, has primary authority within the Cadet Wing in all matters dealing with honor. The cadet chain of command will support the investigation and the requirements of the Honor Committee to the fullest extent. The need for a large scale investigation may become apparent at any time. If three or more cadets are suspected of cooperative honor violations, this procedure will be implemented. When a large scale investigation seems apparent, the chairman of the Cadet Honor Committee will notify the Executive for Honor and Ethics (CWH) and the DFL Honor Advisor. All pertinent facts of any honor cases related to the investigation will be compiled by CWH and disseminated to the honor representatives. Normal preliminary and formal investigating procedures will be combined when large scale or cooperative honor violations are discovered.

2. Execution.

a. As soon as it is suspected that cooperative honor violations exist, the suspected cadets will be isolated from the remainder of the Cadet Wing and every effort made to insure that the suspects do not communicate with each other. All necessary communication by the suspected cadets will be monitored to insure that the honor affairs and related events are not discussed. This procedure is designed to insure that the facts of each case do not become confused by possible collaboration on the part of the suspects. Suspected violators may call their parents, lawyers, congressmen, and AOC's.
No other calls outside the Academy are allowed. To limit the isolation period, every effort will be made to rapidly bring the investigation to a point where isolation is no longer necessary.

(1) Isolation of the cadets may be accomplished by restricting them to their cadet rooms and directing other cadets to monitor the rooms continuously.

(2) If there is a sufficient number of suspects to make individual room isolation unwieldy, the suspects will be assembled in Squadron Assembly Rooms with cadet monitors. In this case cots, reading material, liquid refreshment and meal arrangements must be made available.

(3) When suspected cadets are required to go to questioning rooms, honor hearings, meals, or latrines, they will be escorted by cadet monitors.

(4) Cadets will be needed to serve as monitors of the isolation rooms and as escorts. These cadets will be first and second classmen selected from Wing, Group and Squadron Staff personnel.

b. All questioning will be accomplished by cadet honor representatives in a relaxed atmosphere with no more than three honor representatives involved in the questioning. All efforts will be made to have the questioning recorded on tape.

(1) Under no circumstances will any cadet other than an honor representative talk to a suspected cadet during questioning. If it should be necessary for a cadet other than an honor representative to speak to a cadet, the questioning concerning honor will be closed, and when the suspect is again available the questioning will be re-opened.

(2) No more than three and no less than two honor representatives will be involved in the questioning. One additional honor representative may serve as recorder. Other members of the Cadet Wing may be present during the questioning if required by the honor representatives. If one of the honor representatives leaves the room, questioning will cease until his return. It is mandatory that at least two honor representatives be present throughout the complete questioning of a suspect.

(3) All questioning of suspected cadets will open with the suspected cadet being informed as follows:

> "Mister (Suspect), you are suspected of violating the Honor Code by (lying, cheating, stealing, etc.). I am (Investigator), the honor representative assigned to investigate the charges against you, and I want to ask you some questions."

Since the inquiry is not a criminal proceeding, the accused cadet(s) are not entitled to legal counsel. If suspicion develops that a serious offense under the UCMJ may have occurred, the questioning will cease, and CWH will be notified.

(4) Cadets who resist questioning will be questioned for only brief periods of time - a maximum of thirty minutes. If they do not wish to answer any questioning, they will not be compelled to do so. Cadets who are relaxed and cooperative

should not be questioned for more than two continuous hours. All cadets being questioned should be seated and permitted to be completely at ease.

(5) Any questioning or investigation by organizations other than honor representatives (OSI or Wing Staff) will be carried out in physical locations clearly separated from the honor investigations. This is to preclude any misconception on the part of the suspected violator that agencies other than the Honor Committee are conducting an honor investigation. This does not preclude the Honor Committee from contacting other staff agencies for professional advice on investigation procedures.

c. Statements will be requested from all suspected cadets. The statements will be countersigned/witnessed by an honor representative involved in the questioning.

(1) Cadets who make verbal statements but refuse to put them in writing will not be pressured into doing so. In such a case, the cadet recording the questioning will prepare a written summary of the verbal comments which each honor representative present throughout the questioning will sign. In any event, each investigator will prepare a written summary of each interrogation, including anything of significance that was discovered.

(2) Statements will be maintained in a central location with a card file containing a card for each implicated cadet. The card will show who implicated the cadet, the offenses for which he is implicated, and who he has implicated.

(3) Cadets implicated in written or verbal statements of others may be notified of this fact during questioning. It is not necessary to advise them who gave the statement nor the content of the complete statement.

d. The honor hearings will be convened as soon as possible. Arrangements will be made for the Department of Law to provide an attorney for legal advice as soon as possible following a hearing which results in a finding of guilty. Parents will be notified by telephone as soon as practical but in all cases prior to the cadet's beginning out-processing. The honor hearings will follow the current standard agenda.

e. All requirements for cots, special messing facilities, restriction of holding areas, and any other special arrangements required will be relayed to the Cadet Wing Staff for appropriate action.

f. Immediately after the start of a large scale investigation, the Cadet Wing will be cautioned not to publicly discuss the situation on the basis of incomplete information and/or rumors. This simply confuses and frustrates the press and through them the public. The responsibility to inform the public accurately and promptly rests with the Superintendent. A single honor representative will be immediately designated to perform liaison duties with the Directorate of Information. This honor representative will then be the single cadet source for the release of information to the public via the office of the Director of Information.

3. **Final Report.** As soon as possible after the conclusion of the investigation, the honor representatives will meet with CWH to compile an in-depth report on the incident.

Appendix 3

AIR FORCE ACADEMY HONOR SYSTEM

Procedures for the Removal of Honor Representatives for Cause

1. The following procedure for the removal of an honor representative will be initiated by the chairman of the Honor Committee when he feels that an honor representative is not living up to the responsibility required of him, and all other possibilities of removing him have been exhausted.

2. The chairman of the Honor Committee will appoint another honor representative to investigate specific allegations as to the unfitness of the honor representative to hold his position. Specifically, the honor representative will collect statements, memos for record, and letters from people who have had the opportunity to observe the honor representative in his job, and known cases in which he has been irresponsible. These will specifically include the following areas:

a. Any verbal statement that undermines the Honor Code or the Honor Committee.

b. Demonstrated inability to make a wise decision on honor boards. This will not be based on one incident, but on a cumulation of incidents, unless by one incident, the honor representative demonstrates complete inability to make a wise decision.

c. Demonstrated irresponsibility in other areas of the administration of the Honor Code in his squadron. (Saturday morning training, Thursday night meetings, etc.)

d. Evidence that the honor representative is attempting to use his position for his own personal benefit, and not as a trusted representative.

3. If the investigating official and the chairman of the honor committee determine that the case warrants a review by the Honor Committee, the vice-chairman will be instructed to form a committee chaired by him and consisting of the four group honor representatives. two other members of the honor committee staff, and four honor representatives at large. The case will be recorded by a second class honor representative. The chairman of the Honor Committee will notify the representative in question of the charges of deficiency for which he will meet a review board at least 24 hours prior to the convening of the board.

4. At the review board, the representative in question will be called into the room after all representatives have been briefed on the allegations. Each member of the review board will be permitted to ask any clarifying questions that they wish.

5. After the questioning, the board will deliberate on the proficiency of the cadet as an honor representative. The decision on whether or not to remove him will be made by a simple majority. The vice-chairman will not normally vote unless the vote of the review board is a tie.

6. The proceedings of a review board will be open to only honor representatives and the Executive for Honor and Ethics.

7. The honor representative involved will be notified of the decision of the board by a letter from the honor committee chairman within 24 hours of the decision. A copy of the letter will be forwarded to CWH, CW, and the Squadron Commander and AOC of the squadron involved. A summary of the reasons for the honor representative's removal will be printed and distributed to all honor representatives.

APPENDIX 4

Honor Committee Job Descriptions

1. Chairman of the Cadet Honor Committee.

a. The Chairman is the ranking cadet in the Cadet Wing when questions of honor are the primary concern. He is responsible to the Cadet Wing and the Commandant of Cadets, through the Executive for Honor and Ethics, for the administration of the Cadet Honor Code and the operation of the Cadet Honor Committee.

b. Specific Responsibilities.

(1) Acts as the official spokesman of the Cadet Honor Committee to all agencies and interests outside the Cadet Honor Committee.

(2) Insures that all honor investigations are performed in accordance with the Cadet Honor Committee procedures for investigations. Reviews the proceedings and findings of all honor investigations and determines whether or not a particular case warrants an Honor Board.

(3) Schedules the time and place for all Honor Boards, through the Executive for Honor and Ethics, and decides whether or not a particular Honor Board will be closed to all individuals other than members of the Cadet Honor Committee.

(4) Serves as Chairman of Honor Boards, or so directs either the Vice Chairman or the Secretary to serve in his absence.

(5) Confers regularly with the Wing Commander and the Chairman of the Cadet Professional Ethics Committee to insure that their respective policies and procedures are not inconsistent with the Honor Code.

(6) Guards against practices in the Cadet Wing and the Academy environment which are inconsistent with the Honor Code.

(7) Assures an appreciation and understanding of the purpose and objectives of the Honor Code among all cadets along with the importance of accepting the true "spirit" of the Code in their daily activities.

(8) Supervises the conduct of the honor orientation and training courses during Basic Cadet Training.

(9) Supervises the conduct of honor meetings within the squadrons during the academic year to instruct all cadets in the Honor Code, to acquaint them with the activities of the Cadet Honor Committee, and to advise cadets on points of

honorable conduct.

(10) Supervises the conduct of Honor Code orientation for officers assigned to the Academy, for Academy Liaison Officers and for distinguished visitors.

(11) Serves as Chairman of the Honor Committee Executive Staff.

(12) If the ability of a squadron honor representative to perform his duties and responsibilities should become suspect, the Chairman conducts his own investigation to determine the individual's suitability to continue as the squadron honor representative. If the Chairman determines that the individual should be removed, he presents his recommendations to the Commandant, who has the final authority to remove an honor representative from his duties.

2. Vice Chairman of the Cadet Honor Committee.

a. The Vice Chairman assumes all of the duties and responsibilities of the Chairman when the Chairman is absent.

b. Specific Responsibilities.

(1) At the direction of the Chairman of the Cadet Honor Committee, serves as the Chairman of a particular Honor Board.

(2) In accordance with the policy guidelines established by the Chairman, directs and supervises the Deputy Chairman for Fac[illegible] Liaison, the Deputy Chairman for Honor Instruction, and the Deputy Chairman for Administration.

(3) Serves as a member of the Cadet Honor Committee Executive Staff.

3. Secretary of the Cadet Honor Committee.

a. The Secretary is responsible for the internal communication and coordination of activities within the Cadet Honor Committee.

b. Specific Responsibilities.

(1) At the direction of the Chairman of the Cadet Honor Committee, serves as the Chairman of a particular Honor Board.

(2) Maintains a separate file of all case summaries, lesson plans, correspondence, publications, and other Cadet Honor Committee communications.

(3) In accordance with the policy guidelines established by the Chairman, directs and supervises the Recorder and Coordinator.

(4) Serves as a member of the Cadet Honor Committee Executive Staff.

4. Deputy Chairman for Faculty Liaison.

a. The Deputy Chairman for Faculty Liaison is responsible for facilitating communication and coordination between the Cadet Honor Committee and the members of the faculty. He reports directly to the Vice Chairman.

b. Specific Responsibilities.

(1) Directs and supervises the activities of the Faculty Liaison Cadets, to include:

(a) Those duties and responsibilities of the Faculty Liaison Cadets outlined in the procedures for the investigation of suspected honor violations.

(b) A briefing by each Faculty Liaison Cadet concerning the operations of the Cadet Honor Committee to his respective department at the beginning of each academic semester.

(c) Maintenance of department honor reading files.

(2) Serves as a member of the Cadet Honor Committee Executive Staff.

5. Deputy Chairman for Honor Instruction.

a. The Deputy Chairman for Honor Instruction is responsible for the preparation and presentation of honor instruction to all classes during the academic year. He reports directly to the Vice Chairman.

b. Specific Responsibilities.

(1) Schedules, through the Executive for Honor and Ethics, the time and location of formal honor instruction.

(2) In accordance with the policy guidelines established by the Chairman, supervises the research and the writing of each honor lesson.

(3) Directs and supervises the publication of honor lesson syllabi.

(4) Directs and supervises the preparation of each honor representative involved in the instruction prior to the actual presentation of honor lessons.

(5) Insures that every scheduled honor lesson, in addition to special honor lessons directed by the Chairman, is completed by each honor representative in the time and the manner directed by the Chairman.

(6) Serves as a member of the Cadet Honor Committee Executive Staff.

6. Deputy Chairman for Administration.

a. The Deputy Chairman for Administration is responsible for the operation of Cadet Honor Committee special projects. He reports directly to the Vice Chairman.

b. Specific Responsibilities.

(1) In accordance with the policy guidelines established by the Chairman, directs and supervises the Third and Fourth Class honor representative program, to include:

(a). Selection of Third and Fourth Class honor representatives.

(b) Performance of duty by the Third and Fourth Class honor representatives.

(c) Continual evaluation of the program.

(2) Manages all special projects directed by the Chairman.

(3) Serves as a member of the Cadet Honor Committee Executive Staff.

7. Group Honor Representative.

a. The Group Honor Representative is responsible for insuring that the activities of the squadron honor representatives within his respective group are standardized and conform to the policy guidelines established by the Cadet Honor Committee.

b. Specific Responsibilities.

(1) Directs and supervises the investigation of all suspected honor violations within his group as outlined in the procedures for investigation.

(2) Monitors the status of the Cadet Honor Code within the group and guards against any practices within the group which are inconsistent with the

Cadet Honor Code.

(3) Confers regularly with the squadron honor representatives within the group concerning Honor Committee policy and the current status of the Honor Code.

(4) Serves as a member of the Honor Committee Executive Staff to represent the views of the squadron honor representatives within the group.

8. Recorder of the Cadet Honor Committee.

a. The Recorder is a Second Class squadron honor representative who is responsible for the performance of all Second Class squadron honor representatives and acts as their spokesman to the Chairman of the Cadet Honor Committee. He reports directly to the Secretary.

b. Specific Responsibilities.

(1) When notified that an Honor Board has been scheduled by the Chairman, selects the members of the Honor Board (eight voting members, a Board recorder, and a Sergeant-at-arms) and notifies them of the time and place of the Honor Board.

(2) Instructs the Board recorder and Sergeant-at-arms as to their respective duties and responsibilities prior to each Honor Board and insures that these instructions are complied with in full.

(3) Serves as a member of the Cadet Honor Committee Executive Staff.

9. Coordinator of the Cadet Honor Committee.

a. The Coordinator is a Second Class squadron honor representative who is responsible for the distribution of all formal publications and communication within the Cadet Honor Committee. He reports directly to the Secretary.

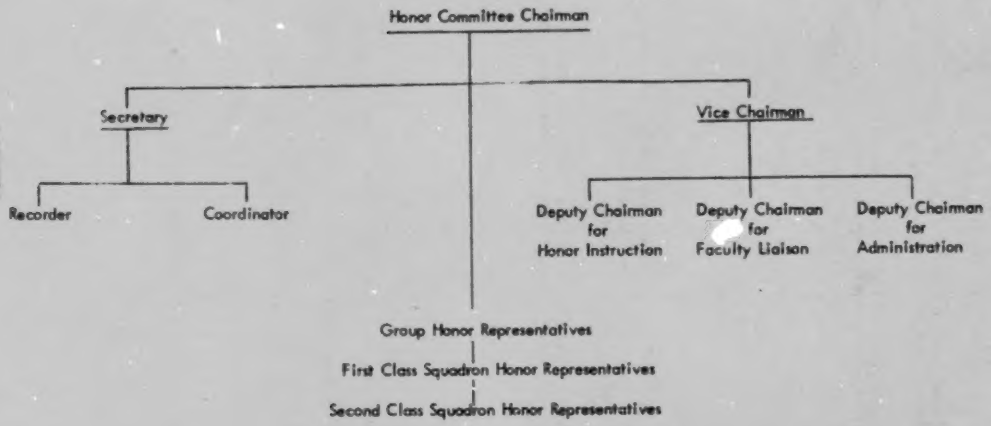
b. Specific Responsibilities.

(1) Distributes case summaries, honor lesson plans, and other communication to the members of the Cadet Honor Committee as directed by the Chairman.

(2) Records and publishes the minutes of all Cadet Honor Committee Executive Staff meetings.

(3) Serves as a member of the Cadet Honor Committee Executive Staff.

Cadet Honor Committee Organization


Honor Committee Chairman
Secretary
Vice Chairman
Recorder
Coordinator
Deputy Chairman for Honor Instruction
Deputy Chairman for Faculty Liaison
Deputy Chairman for Administration
Group Honor Representatives
First Class Squadron Honor Representatives
Second Class Squadron Honor Representatives

HONOR REFERENCE HANDBOOK OF THE USAFA

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THIS MANUAL SUPERSEDES ALL PREVIOUS EDITIONS OF THE HONOR MANUAL

DEPARTMENT OF THE AIR FORCE
THE AIR FORCE CADET WING
USAF ACADEMY, COLORADO 80840

REPLY TO
ATTN OF: CW

June 1973

SUBJECT: Cadet Honor Code

TO: The Air Force Cadet Wing

1. Of all the traditions proudly guarded by the Cadet Wing, the one valued above all others is the Cadet Honor Code. Throughout the history of the Air Force Academy, cadets and graduates have overwhelmingly agreed that living under the Honor Code is the most important and rewarding aspect of cadet life.

2. Although the historic basis for substantive portions of the Honor Code is military law, custom and tradition, the primary purpose of the cadet system is to instill into future officers a deeply ingrained sense of honor and personal discipline. A high sense of honor is important in all professions, but it is absolutely indispensable in the character of a military leader.

3. As a cadet you will appreciate the feeling of mutual trust and respect derived from living under the Honor Code. What is expected of you in return is that you be truthful, compete fairly, respect the property of others, and take such pride in the Cadet Wing that you allow no one to detract from your standards.

4. The Honor System was developed by the Wing, belongs to the Wing, and is administered by the Wing. A cadet who joins the Wing as an officer candidate accepts its system of discipline under the Honor Code as an integral part of his training. If he finds it impossible to meet this obligation, he must withdraw from the Wing. Judgments made by the Cadet Honor Committee where violations are processed are cadet determinations as to the fitness of an individual to remain a member of the Cadet Wing. The final decision to abide by the Honor Committee's findings or request due process under the official procedures of the Air Force is made entirely by the cadet involved. This handbook has been prepared to aid each cadet as he lives within the tenets of the Cadet Honor Code and to advise him of the procedures and consequences should he be found wanting.

HOYT S. VANDENBERG, JR, Brig Gen, USAF
Commandant of Cadets

THE CADET HONOR CODE

"We will not lie, steal, or cheat, nor tolerate among us anyone who does."

This is your Honor Code—a code that means many things to you as a cadet and future officer. It means the pride of knowing your word is trusted implicitly. It means the respect you have for the property of others and the consideration you expect others to have for your property. It means the responsibility to accept credit only for your personal achievement. It means the the moral courage to protect the Wing from any cadet who places his standards below those of the Wing's Honor Code. The Code embodies the attitude of every cadet who has jealously guarded its existence since it was first adopted by the Class of 1959.

You will find that living by the Honor Code is not as difficult as living without it. It is not a unique set of standards. It is based on the ideals every American encounters from childhood. They are not limited to the Cadet Wing. They are the foundation of character for every good officer. The Cadet Wing and the Air Force expect each cadet to make the Cadet Honor Code a part of his personal code throughout his life.

The Code's Philosophy

Aristotle contended that moral virtue is attained through habit. The Honor Code fosters an environment which enhances honorable conduct that is ultimately transformed through habit into an inherent facet of the life of each cadet.

Former Secretary of War, Newton Baker, said, "... the inexact or untruthful soldier trifles with the lives of his fellow men and with the honor of his government..." The young officer must be able to trust his men as does any commander. In these times of expensive and increasingly complex weapons systems, the officer must rely on fellow officers and airmen for his own safety and the safety of his men. By living honorably while a cadet, it is hoped that such conduct will become second nature to guide the individual throughout his career. The Honor Code then is another important aspect of the training that a cadet gets at the Academy; however, in this case the, Cadet Wing has set its own standard.

Origin of the Code

The Honor Code was adopted by the first class to enter the Academy. In 1954, General H. R. Harmon's study group studied the honor codes and systems in use by institutions throughout the country, including the United States Military and Naval Academies, Virginia Military Institute, and others. These were screened, formulated, and organized into a system and basic code which were presented to the Cadet Wing in 1955 on a trial basis by the first Commandant of Cadets. It was formally accepted by the Class of '59 in September 1956 and subsequently administered, interpreted, and cultivated exclusively by them and their successors. The administration and instruction of the Honor Code has always belonged to the Cadet Wing through the Honor Committee with the advice and counsel of the Commandant and his Executive for Honor and Ethics. It is the duty of the Cadet Wing to insure that the Code never becomes stagnant or unrealistic. Honor is not only the responsibility of the Honor Committee. Every cadet must feel responsible for the vitality and effectiveness of the Code. Suggestions, problems, or questions should be communicated to the Squadron Honor Representative.

Mission

The final mission of the Code is the same as that of the Academy—to develop exceptional officers. The Code is an effort to influence cadets to live honorably so that they will graduate as exceptional officers with high standards of individual honor and integrity and maintain those standards throughout their lifetimes.

The Cadet Honor Code is regarded as the minimum standard of conduct. The Code is realistic and reasonable. Each cadet should realize that the Code defines a minimum standard and that he should maintain a set of personal values higher and broader than those established by the Honor Code. The Honor Code should be analogous to a foundation upon which the cadet seeks to build his own intergrity—always seeking to improve what has been done before. These standards of conduct apply anytime, any place and in any situation. By making the Code all-encompassing, cadets have established a true standard that is more than a mere formality to be observed occasionally. Honorable conduct must be a continuous pattern of behavior.

Honor Violations

The purpose of the Cadet Honor Code is to build within the man a keen sense of honor and an intense dedication to live by the dictates of this sense of honor. The man who fails in this is deemed unworthy of cadet status and is asked to resign from the Academy. There are usually two elements in an honor violation: the act and the intent. In the following pages the prohibited acts of lying, stealing, cheating, and tolerating are defined. These acts, or an attempt to accomplish these acts, must have been performed if a man is to be found guilty of an honor violation.

The question of intent and/or state of mind poses greater difficulty to define and prove. To some extent intent depends upon the act involved. There are some acts which are inherently wrong, and in these cases the intent to commit the act is sufficient to justify a guilty vote. For example, a man who takes a crib sheet into a class and uses it to cheat does not have to think specifically "this is wrong and it is against the Honor Code." The intent to cheat is implicit in doing such acts. There are other acts which are defined as wrong. For a man to be found guilty of these violations he must know they are wrong and realize the wrongful nature of the act at the time. For example, a man who goes on an unauthorized absence with his card marked must know that his card is marked and be aware of the meaning of a card marked "authorized," in order to have violated the Code. A cadet is expected to be very aware of those areas of cadet life which can and do involve use of the Cadet Honor Code.

What is expected by the Cadet Wing is that the cadet will act as a reasonable and honorable man and make judgments which a reasonable and honorable man would make.

LYING

Lying is making an assertion which is intended to deceive or mislead. A lie may be an oral or written statement, or even an action, which is misleading or deceiving and meant to be so. That's all there is to it. It is a simple concept. The following pages merely expand on this concept and cover situations which may be peculiar to the Cadet Wing due to the atmosphere of trust we live in; they clarify situations which may not be unique to the Academy, yet are new to you; and they should answer most of your questions.

Keep in mind that the points mentioned in the following pages are inseparable. They all pertain to lying. Each one can be thought of in terms of the basic definition of lying. You should try to relate everything back to the basic concept as you read. In this way, you will get a feeling for the "spirit" of the Honor Code. It is this spirit of the Code which will remain with you always.

Quibbling

A person can easily create a false impression in the mind of his listener by cleverly wording what he says, omitting relevant facts, or telling a partial truth.

When he knowingly does so with the intent to deceive or mislead, he is quibbling. Because it is an intentional deception, quibbling is a form of lying.

Reports

Every cadet at one time or another must render a report of some sort, and it is mandatory that each cadet realize the meaning of the report. Oral or written reports must be complete and accurate because the report is a statement made by the cadet. When reports are given in ranks, the person rendering the report must give the name or number of cadets who are absent and whose authorizations are unknown. The Dormitory Inspector's report signifies that he has made the inspections which he lists on the CCQ report and that he has inspected all cadet rooms and reported all cadets who were absent from their rooms with their cards unmarked.

Reports such as the CCQ report and the Cadet Accountability System reports must be accurate before they are signed. In general, cadets should know what they are saying when an oral or written report is made or before they apply their signature or initials to a report or document.

The Lost Articles Inspection

The lost articles inspection is conducted solely for the purpose of recovering lost articles. It is mentioned here only because it is unique to the Academy. A list of lost articles, along with the date of the lost articles inspection, will appear in the Daily Bulletin. Cadets should check before the inspection to see if they have any of the lost articles. For example, if one of the lost articles is a class shirt, cadets should check the nametags of all their class shirts. When a cadet gives an "all right", he is saying that he has already checked his possessions for the lost articles and found that the missing items were not among them. He cannot give the "all right" until he has performed the check or knows beyond any doubt that he does not have the item in question.

Pop-offs and Mistakes

In some situations it is possible to make a false statement. Once a cadet realizes his mistake, however, he should attempt to correct it at the first reasonable opportunity with the person to whom the statement was made. If the person is unknown or unavailable, the cadet should tell his Honor Representative the circumstances of the incident. If he lets the mistake ride, he is allowing the false statement to stand as the truth, which is intentionally deceiving.

One type of mistake described above is termed a "pop-off." It is usually a yes or no answer, or a short statement, made in haste and without thinking. It is not an honor violation if it is corrected immediately.

Tact

Social situations may arise in which a cadet should not embarrass another person by being completely truthful. Here is an obvious example: The hostess asks her cadet guest if he enjoyed the meal she spent two hours preparing. It would violate all rules of etiquette for the cadet to reply quite truthfully, "As a matter of fact, I was just going to ask for a glass of water—the chicken was so dry it was all I could do to get it down." Applying tact to save someone else's feelings is not considered a lie. A cadet should apply tact only in a social situation when common sense dictates it to avoid embarrassing someone else and never with personal gain in mind.

Signature

A cadet's signature is his word. As a cadet, there will be many times when your signature—whether it is your full written name, typed name, initials, check mark, etc.—will be required to affirm that you have performed some task, to certify that a document is complete and accurate to the best of your knowledge, or to indicate some other response. If you are required to do something before you place your signature, keep in mind that when you sign, you are in effect saying, "Yes, I have done what is required." A violation of your signatue is a lie.

Privileges

The Commandant grants privileges to cadets on the basis of rank, performance, and other criteria. Cadets can take privileges they earn without wading through cumbersome administrative controls only because a cadet's word or signature can be trusted. While this atmosphere of trust is something to be proud of, it is also something to be guarded and not abused. A cadet must fulfill certain requirements before taking a privilege.

First, a cadet must be authorized the privilege. A cadet is authorized to take only a certain number of privileges during a specified period. Additionally, a privilege cannot be taken in conflict with military duties or punishments. Also, a cadet must receive proper permission to take the privilege.

Some privileges, such as the ones not requiring a signature (e.g., the recreation privilege in Arnold Hall), may not require specific permission. On the other hand, some privileges, like the Weekend Pass and the Visiting Permit, have additional requirements. The Visiting Permit requires that the cadet be with his host at all times except while going directly to or from the host's residence.

Only a few examples of specific requirements have been given. A cadet should be completely familiar with the privilege regulation, AFCR 35-8, because when he signs out on a particular privilege or permit or when he marks his status card to take a privilege, he is saying that (1) he is authorized to take the privilege, (2) he has received permission to take it, and (3) he will take the privilege he is signing out for, as defined in cadet regulations.

I.D. Cards

Besides being a severe offense under the Uniform Code of Military Justice, the intentional misuse or falsification of an identification card is a form of lying. The cadet who presents an I.D. Card for any purpose is implying that the card is his and that it is correct. Otherwise, he is lying because he knows that the person to whom he has presented the card has accepted it as being his and being correct.

The Status Card

When a cadet marks his card by putting it in the "authorized" position, the card is speaking for the cadet during Evening Call-to-Quarters and Weekend Evening Call-to-Quarters.

When the card is marked, it says that the cadet is in an authorized situation throughout the absence from his room as defined in AFCR 35-9. If a cadet unintentionally violates his card, he must see his Honor Representative immediately so that appropriate action can be taken to correct the error. Of course, an intentional violation of the card is lying.

Cadet regulations spell out when, in addition to Evening Call-to Quarters, the card should be marked. The important thing to remember with regard to honor is that your marked card speaks for you just as if you were standing in front of your room saying you were in an authorized place.

Improper or Unnecessary Questions

The goal of the Honor Code is to establish within each cadet a keen appreciation for the importance of integrity in the character of the professional military officer and to insure each cadet's dedication to being a man of honor and integrity. Within this framework the Honor Code is a tool for self-discipline and is not a regulatory device imposed by the Academy administration. A cadet's sense of duty should dictate that he properly discharge his responsibilities, even though he might not be honor-bound to do so.

However, the Honor Code does dictate that the cadet will not lie or quibble to avoid responsibility for his mistakes or shortcomings. Honor and duty cannot and should not be completely separated. Cadets are expected to be straightforward in answering the questions of superiors and to stand up to whatever punishment they bring upon themselves. This expectation is patterned after that which will be expected of the graduate once he is commissioned as an officer in the United States Air Force.

Caution is necessary when questioning cadets to insure that the Honor Code is not used unfairly. Good judgment is a continous obligation on the part of the questioning officer or cadet. Obviously, a cadet should not be asked an embarrassing personal question about his private life. Generally, the prudent degree of questioning is related to whether the questioning individual has reasonable suspicion that the questioned cadet has knowledge of, or was implicated in, some act or incident. Questions should be avoided when there is only vague suspicion that some punishable act did occur.

If a cadet feels that the Honor Code has been used unfairly against him, he should answer the question and then discuss the situation with his honor representative. If it is deemed appropriate, the case will be discussed with the Executive for Honor and Ethics who will take the necessary action.

STEALING

Stealing is defined by the Cadet Wing as intentionally depriving someone else of his property without his permission. This act may be either a permanent or temporary deprivation. If something is not yours, you cannot take it without permission from the owner.

Borrowing

Borrowing must be considered in conjunction with stealing. A cadet must have either specific or implied permission to borrow another person's belongings. One should not take advantage of close friendships by careless borrowing. The borrower should always leave a note giving his name and the item borrowed. He should also return borrowed items promptly.

Destruction of Property

Obviously, to destroy another's property is the same as depriving the owner of its use. Willful destruction of another's property is a violation of the Honor Code by stealing. If a cadet accidentally damages, destroys, or loses someone's property, it is his responsibility to repair or replace the item involved.

Government Property

Cadets should not feel that their presence in the military entitles them to assume ownership of government-owned materials. Government property must always be treated in the same manner as personal property.

CHEATING

Cheating is defined as fraudulently acting out of self interest to take unfair advantage of others. In this definition, "others" refers to people and agencies outside the Cadet Wing as well as to other cadets.

Over your four years at the Academy, you will be in constant competition with other cadets. In fact, competition is one of the most important aspects of a cadet's life. The results of this competition will greatly affect your future career here at the Academy and later in the field. It is illogical for a cadet to come to the Academy seeking the challenges and opportunities here and then cheat to lessen the challenge. It is expected, therefore, that each cadet will compete fairly with his fellow cadets. Cheating is not confined to any single area–it applies to your whole life as a cadet. The cadet who falsifies his score on the physical fitness test or who copies on a squadron training test has been as dishonest as a cadet who copies another's work in an academic course. Since the academic environment at the Academy is probably different from your previous experience, the next few sections will discuss the various academic peculiarities of the Academy.

Graded Work

In general, any work done for a grade must be done without another cadet's help unless such help is specifically authorized by the instructor. The work is accepted by the instructor with the idea that you have done it by yourself. Occasionally academic departments will allow outside help or teamwork on certain assignments. Such policies will be explained by your instructors at the appropriate time. It is essential that you understand these policies. If you have any questions, check with your instructor.

Quizzes and Graded Reviews

A cadet must never copy another cadet's work or compare answers with the intent of confirming or checking an answer during a graded recitation. At the Academy, the same test may be given to all sections of a course on the same day. It is clear that a cadet would be placed at a definite advantage if he had early knowledge of the contents of an exam or if it were difficult or had been given at the beginning or end of the period. The only thing you may tell another cadet is the fact that an exam was given. Avoid all phrases of the type, "Boy, I had a tough quiz today." This type of small talk can lead to more specific things about an exam and may put one of your classmates in a difficult position. Do not discuss an exam with any cadet who may later take the same test. If a cadet does find out *any* of the contents of an exam, he should tell his instructor. Usually, the instructor will give him another question or another exam.

Because of their faith in the honesty of cadets, instructors will often leave the room at the beginning of an exam and return after the exam is over. It is therefore the cadet's responsibility to know and observe starting and stopping time of the quiz. Usually the section marcher will give "Cease Work" or a similar command. At that command stop working *immediately*. If you notice that time is up, it is your responsibility to give "Cease Work." Only the instructor can give you permission to finish an answer or sentence.

Some courses will give take-home examinations. It is your obligation to know the restrictions on such exams (i.e., working time, materials, which can be used, etc.). The restrictions will usually be printed on the cover sheet of the quiz, or the instructor will discuss them.

Plagiarism

In writing essays or themes, it will often be necessary to use the ideas and words of others. Plagiarism is the use of such ideas in an attempt to pass them off as your own. Plagiarism can be avoided by properly documenting outside sources. The English Department makes available to each cadet an English handbook explaining the writing and documenting of themes. If any doubt exists about documenting, a cadet should check with his instructor.

No attempt should be made to cover up sloppy or incomplete research work by stuffing bibliographies or giving fictitious sources and page numbers. Such an act implies intent to recieve credit for work the cadet has not done.

Use of Library

Our library policies are designed for maximum convenience for cadets. Such freedom is possible because of the Honor Code and the trust vested in us.

Therefore, it is important that everyone conscientiously abide by library policies and directives. The concept of taking unfair advantage of your classmates may arise in this area. For example, many courses require certain reading to be completed from books on reserve in the library. To deny another person the use of one of these books, or any book, by hiding it in another part of the library or by taking the book without checking it out could be considered cheating or stealing.

TOLERATION

The backbone of the Honor Code is the toleration clause which requires that every cadet report any suspected violation of the Code. If a cadet suspects another cadet of violating the Honor Code, he should first approach the individual and inquire about the circumstances surrounding the situation. A misunderstanding or mistake may be easily and quickly cleared up in this manner; however, if the suspecting cadet is not absolutely certain in his own mind that the incident was not an honor violation, he should tell the individual involved to see an Honor Representative and must later check to insure that this was done. If the incident is of a serious nature, it is sometimes better to contact an Honor Representative first and allow him to make an investigation. In cases where a possible breach of the Honor Code is not completely resolved, an Honor Representative should be contacted. Toleration cannot be present until the intent to ignore the honor violation is formulated.

It is important that each cadet fully understands the spirit behind the toleration clause, as well as the obligations it creates and the method of reporting a suspected honor violation. Once confronted with the pressures of a toleration situation, it may be too late to formulate a clear decision on it because emotions will be involved. If one has doubts or questions about this clause, the matter should be discussed with the Squadron Honor Representative.

Non-toleration is often equated with tattling or squealing. Such comments reflect a gross misunderstanding of the Academy and the Honor Code. The Honor Code is administered by the Cadet Wing, and it is our standard. We have set the pace, and because of this we must remove violators from the Wing if the Code is to mean anything at all. An editorial in the "Denver Post" states the idea by saying:

> "The success of the Honor Code is realized through its tacit acceptance by all those entering the Academy. It implies that the cadet who cheats has denied himself the membership of this group of highly favored young men. Thus, it is an intrinsic yardstick of moral behavior, clearly recognized as such by everyone who puts on the uniform of an Air Force Cadet."

The following are several different comments on the "no toleration" concept. These should reinforce the logic of the clause.

1. Comments made by Brigadier General Seith, Commandant of Cadets, Spring 1967.

QUESTION: SHOULD THE TOLERATION CLAUSE–AND THE HONOR CODE– BE MADE

TO APPLY TO ONLY THE MORE "SERIOUS OFFENSES"? SOME CADETS HAVE SAID: "YES, I WOULD REPORT A 'SERIOUS OFFENSE,' BUT NOT SOME MINOR OFFENSE."

—Any moral value, habitually transgressed, tends to lose its significance—both for the violator and the tolerator. "Minor" transgressions, having become tolerable, then become the departing point for new levels of "minor" transgressions, levels that once seemed "major." This is the anatomy of moral degeneration.

This was apparent in the cheating scandal of 1965, wherein cadets first tolerated, then cheated only when helping others (but never received help themselves); from here, even bright students found they might as well accept help, and were soon cheating for their own benefit. First they did it only on rare occasions when they were too busy to study. Next they found it convenient to cheat more often. After a while it was nicer to cheat frequently because it permitted them to live in a more relaxed fashion (no studying). From here it went to actively recruiting others; cynicism set in, and the violations became increasingly criminal; e.g., passing exam papers, colluding as a ring, stealing etc., etc.

Moral degeneration does not compartmentalize itself. Some cadets were conditioned for cheating—or tolerating cheaters—by the guilt of dishonorable acts in other areas. In some cases this involved violations of the card or the "All Right." In others, the process was initiated by cheating and expanded into violating the card, or even to stealing.

QUESTION: MANY OF THE CHEATERS BEGAN AS TOLERATORS. IT SEEMED TO THEM THAT THE VERY ACT OF TOLERATION BECAME A TRAP. CADETS FOUND THAT THEY HAD VIOLATED THE HONOR CODE, THEN DECIDED THEY MIGHT AS WELL GO ON AND BE CHEATERS. IF WE COULD REMOVE TOLERATION FROM THE CODE–OR AT LEAST REDUCE THE PENALTY, WOULD NOT THIS TRAP BE REMOVED?

Yes, the very act of toleration *is* is a trap. But if we assume no prohibition against "tolerating" a cheater, then toleration would become an even greater trap.

Even without a "no toleration" clause in the Code, many persons who tolerate cheating by others will eventually become cheaters themselves. Anyone who lives closely with cheaters will find it hard not to become discouraged and disillusioned–more so if they are his respected friends. His friends all do it; they don't work hard, while he studies; they get better grades than he; perhaps he loses privileges or is threatened with academic failure. The probability is that if the honest man cannot bring himself to stop the cheater, sooner or later he will throw up his hands and start cheating himself. Widespread toleration will spawn widespread cheating. The closer the student society, the more insidous this reaction will be.

As a matter of fact, if enough people tolerate cheating by others, does not cheating then become an accepted standard–by definition?

If the very act of tolerating cheating weakens one's own resolve not to cheat, would not that resolve be further weakened by the reduction of any threat of discovery by authorities? Would not cheating become easier, in the absence of a real deterrent as represented by the "no toleration" clause?

Concerning a reduced penalty for toleration, it has been suggested that people would not be "trapped" by tolerating if they knew that the penalty was not so extreme. It may be true, that *some* tolerators, having thought it all out, might be less fearful of coming forward with a confession, were the penalty less severe. But *other* cadets who might be deterred from tolerating by the severity of the penalty might now take a chance thinking primarily of the severity of the penalty to the cheater himself. After all, if the tolerator did get caught (or become conscience-stricken), the penalty would be an endurable one for him, especially when compared to the penalty for his friend, the cheater. So, it is questionable that a reduced penalty for tolerating would decrease toleration—it would very likely increase it.

2. Excerpt from a letter by a member of the Class of 1968.

"When I cheated, I broke the bonds of loyalty between ourselves and could no longer claim a loyalty higher than a false one to myself. But you almost erred too—by tolerating my selfishness. Could you have been loyal to yourselves if you had maintained a loyalty to someone who wrongfully discredited you? No. So you could not have tolerated my cheating in your midst. What kind of friend would ask another to cover for his dishonesty?"

The Wing does not consider the toleration clause as a simple expedient that might, upon occasion, produce conflict between friends. From a moral point of view, observing dishonorable acts without taking positive steps to correct or eliminate them breeds condonation and ultimately sympathy for such conduct in a group as a whole. From a professional viewpoint, commitments to this nation impose a higher loyalty than that demanded between individuals. In other words, loyalty to the country, the Air Force, the Academy and the Cadet Wing is greater than a selfish loyalty to an untrustworthy associate.

3. Excerpt from the White Committee Report to the Secretary and the Chief of Staff of the Air Force.

After interviewing more than 1,000 cadets, Academy graduates and individuals involved in the 1965 cheating incident, the White Committee had this to say concerning the "tolcation" clause:

The prohibition against "toleration" which rounds out the Cadet Honor Code is its most exacting and difficult standard. Since "honor" is not an exclusive value, a very real conflict may develop between personal friendship and a higher loyalty to the Cadet Wing which the toleration clause embodies. Here too, however, the standard which cadets exact of themselves, though far more rigorous, is not without roots in society at large.

The moral courage of the crew member of a military or commercial aircraft who reports that a pilot has been drinking furnishes an example. The assistant who denounces a prosecutor for withholding evidence of a defendant's innocence is another illustration. In each of these instances, and many others, the public would condemn the individual for remaining silent. *This is so because our commitments to society as such impose a higher loyalty than is demanded by those who would imperil it.*

Instances of this kind are reinforced and the ethical requirements are heightened when the individual is placed in a position of public trust. Examples include the officer in an Air Force research and development program charged with millions in public funds, who sees a fellow officer stealing; or an officer in a missile complex who condones a false report on the missiles' state of readiness; or a judge who knows that another judge has accepted a bribe; or a doctor who sees a colleague prescribe an illegal and dangerous drug.

While these examples are extreme, they serve to highlight the fact that a public servant is always confronted by the obligation to put the welfare of the community foremost in his scale of loyalties. The toleration clause, in emphasizing that the Honor Code is a community possession of the Cadet Wing, is calculated to develop more fully this awareness in each cadet.

In ordinary circumstances, [illegible] us as an individual decides when he feels bound to report the misdeed of another. In their special circumstances, the cadets have chosen as a group, through the toleration clause, to set a high standard, but one not out of line for a profession committed to public trust and mutual confidence. A military organization depends for its success upon a deep sense of personal responsibility by each member to the group at large. Each subordinate community in our society—university, profession, social club, or religious order—has this privilege, subject only to the legal restraints common to all. The high calling of the Air Force officer and the demands made by the profession of arms lend support to the choice which the cadets have made.

To suggest that such terms as "squealer" or "informer" are applicable is to indulge a misconception. It suggests that future Air Force officers have no higher duty than loyalty toward their personal friends even at the expense of loyalty to the Air Force or the nation it is dedicated to serve. Such epithets are rightly applied only to those narrow relations between man and man in which larger interests and commitments are not involved.

ADMINISTRATION OF THE CADET HONOR CODE

1. Responsibilities.

a. All Cadets

(1) Each cadet is responsible for establishing and maintaining a sense of personal integrity which will serve as a cornerstone for his life of dedication to his country. This sense of personal integrity must be a way of life, a standard of conduct and moral strength which will stand firmly as an inspiration to fellow cadets at the Academy, and to associates in the United States Air Force after graduation.

(2) As a member of the Air Force Cadet Wing, responsible to his comrades and to the organization

and service to which he belongs, each cadet is a guardian of the Cadet Honor Code. If the Honor Code were not enforced by cadets themselves it would degenerate into a standard enforced only by the Academy administration and the true value of the Code would be lost. Therefore, each cadet is expected to take appropriate action whenever he encounters an apparent breach of the Honor Code. The procedures for this action are outlined in paragraph 3.

b. The Honor Committee

Earlier we mentioned providing an environment to develop inherently honorable conduct within each cadet through habitual actions. Upholding the standards of such conduct necessarily becomes the explicit responsibility of every member of the society (in this case, the Cadet Wing) living under that environment. For purposes of practical administration, a representative body is needed to regulate and enforce the standards of the Honor Code as set forth by the Wing. Accordingly, the Cadet Honor Committee was established to represent the Cadet Wing.

The effective discharge of the duties and responsibilities of the Honor Committee is necessary if the Honor Code is to maintain the respect and support of the Cadet Wing. These duties and responsibilities are:

(1) Conduct an honor orientation and training course for the basic cadets during Basic Cadet Training.

(2) Conduct meetings within their squadrons during the academic year to instruct all cadets in the

Honor Code, acquainting them with the activity of the Honor Representatives, and advising cadets on points of honorable conduct.

(3) Assure an appreciation and understanding of the purpose and objective of the Honor Code among cadets along with the importance of accepting the true "spirit" of the Code in their daily activities.

(4) Guard against practices that are inconsistent with the Honor Code.

(5) Inquire into irregularities of conduct, personal or official, on the part of cadets which may be in violation of the Code. When such irregularities warrant, investigate the facts and conduct honor hearings when necessary.

(6) Each spring conduct an Honor Code orientation for the cadet candidates enrolled in the Academy Preparatory School.

(7) Conduct Honor Code orientations for officers assigned to the Academy and for Academy Liaison Officers. During the fall of the year each academic department should be briefed by an Honor Representative assigned to the individual departments.

c. All Officers. By direction of the Superintendent, all officers assigned to the Air Force Academy are charged with the responsibility of assisting in maintenance of the precepts of the Honor Code and will report every breach or apparent breach of the Code using the procedures outlined in paragraph 3.

d. The Commandant's Executive for Honor and Ethics. The Executive for Honor and Ethics is directly responsible to the Commandant of Cadets for the supervision of the instructional activities, investigations and hearings of the Honor Representatives. His role is advisory in nature and his efforts are directed toward assisting the Honor Representatives in insuring the vitality of the Cadet Honor Code.

2. Election and Tenure of Honor Representatives

During the spring the third class in each cadet squadron will elect, by majority vote, an Honor Representative from the third class. The elected representatives must be in good military standing and will serve until graduation unless relieved for cause by the Commandant. Vacancies will be filled by election to insure that each squadron has a first and a second class Honor Representative at all times. Each spring the Chairman, Vice Chairman, the Secretary and the various functional Deputy Chairmen of the Honor Committee will be elected from the second class Honor Representatives.

3. Reports of Breaches of the Cadet Honor Code.

a. Cadets

(1) When observing a possible honor violation, normally the cadet should confront the suspected cadet and ask for an explanation. This procedure often clarifies whether a violation has in fact been committed, encourages the violator to manfully accept his obligation to report himself, and gives him the opportunity to do so. Sometimes it is more appropriate to report directly to an Honor

Representative. The course to be taken is left a matter of judgment for the cadet concerned.

(2) After personally confronting the suspected cadet, a cadet must report the matter to an Honor Representative if the suspected cadet has in fact breached the Honor Code and has not, or apparently will not, report himself.

(3) When an incident requires further investigation, the Squadron Honor Representative will refer the case to the appropriate Group Honor Representative who appoints an investigating team as outlined in paragraph 4.

b. Officers

(1) When an AOC discovers an apparent breach of the Cadet Honor Code he will report it to his Squadron Honor Representative or to the Executive for Honor and Ethics.

(2) When an officer assigned to an academic department or to the Department of Athletics discovers an apparent breach of the Cadet Honor Code, he should:

(a) Report the facts of the case to the departmental Honor Liaison Officer.

(b) The departmental Honor Liaison Officer will inform the department head and the departmental Cadet Honor Liaison Representative of the suspected breach. The faculty Honor Liaison Officers will also inform the faculty Honor Liaison Coordinator of the case.

(c) The departmental Cadet Liaison Honor Representative will inform the appropriate Squadron Honor Representatives and proceed with the investigation. He will also insure that all concerned parties are informed of the outcome of the investigation as soon as practical.

(3) All other officers who discover apparent breaches of the Cadet Honor Code will report the fact directly to the Executive for Honor and Ethics (CWH) who will in turn refer the case to the Honor Committee Chairman for investigation.

4. Conduct of an Honor Investigation.

a. Purpose of an Investigation. The purpose of the investigation is to evaluate the circumstances of a case to determine whether the incident should be considered by an Honor Board. The investigating team consists of the Group Honor Representative (who supervises the entire investigation), the first class Squadron Honor Representative of the squadron involved, and another Squadron Honor Representative appointed by the Group Honor Representative. The team, in conjunction with the Chairman of the Honor Representatives, has the authority and responsibility to drop from further consideration any incident wherein it is determined that an honor violation did not occur. If the team believes a hearing by an Honor Board is necessary, they will provide complete evidence and information for the Board's consideration.

b. Investigation Procedures. In the conduct of an investigation, thoroughness is more important than speed but the matter should be completed without unnecessary delay. A legal advisor to the Honor Committee is available for assistance and consultation in all Honor Committee investigations.

(1) Before taking any testimony from a cadet suspected of committing an honor violation the investigating team will inform him who they are and the general nature of the violation of which he is suspected. He will also be informed that as a part of the investigation, witnesses requested by him will be interviewed and asked to furnish statements, and other evidence he might wish to submit will be considered. Written statements will be taken from all witnesses as well as from the accused during all portions of every investigation.

(2) All persons who may have relevant information will be interviewed by the investigating team. The importance of a thorough and impartial investigation that seeks corroboration for each statement cannot be overemphasized.

(3) If the investigation reveals that there has been no breach of the Cadet Honor Code, the case will be dropped. The Honor Committee Chairman will be notified of this decision. If such an investigation was originated by a report from an officer, the Executive for Honor and Ethics will inform that officer through the same channel by which the incident was first reported. The appropriate investigating cadet will immediately return any evidence or documents which may have been received from an Honor Liaison Officer. Prompt action in possible cheating incidents is especially necessary to prevent unnecessary withholding of a cadet's grade and/or constraint of an instructor.

(4) If the investigation reveals the probability that a breach has been committed, the Honor Committee Chairman will set a time and date for the hearing. The Chairman has the final authority to decide whether or not a case will be taken to an Honor Board. One of the investigators and the Executive for Honor and Ethics will brief the Commandant, and the case will be referred to the Honor Representatives for a hearing.

(5) Prior to an honor hearing, the Squadron Honor Representative will advise the suspected violator of his rights as follows:

(a) That consultation with third parties is permissible at any time. The cadet is free to seek legal advice, call his parents, etc. He will be limited only insofar as concerns other cadets who may also be under suspicion.

(b) That he may present any evidence or call any witness on his own behalf that he so desires.

(c) The procedures to be followed during the honor hearing.

(d) The nature of evidence and testimony in his particular case.

(6) The Squadron Honor Representative will notify the Squadron Commander and the Squadron Air Officer Commanding that an honor hearing is to be convened.

5. Conduct of an Honor Hearing. When an honor hearing is determined to be appropriate an Honor Board will be appointed by the Honor Committee

Chairman. The Board will consist of eight First Class Honor Representatives selected from squadrons other than that of the suspected violator except when Second Class Honor Representatives are appointed to the boards. The Commandant's Executive for Honor and Ethics is present at all honor hearings.

a. At the hearing the cadet suspected of committing an honor violation will be advised:

(1) that he is entitled to be present during the presentation of all evidence;

(2) that he may verbally or in writing ask questions of witnesses through the Chairman of the Committee;

(3) that he will be given full opportunity to call witnesses of his choosing;

(4) that he may testify in his own behalf: "In this regard, you are advised that honor investigations and hearings are not criminal proceedings, and the criminal law rules against compulsory self-incrimination do not apply. We believe that the Honor Code which you have accepted imposes a duty upon you as a cadet to disclose any relevant information you might have. However, if you prefer not to testify, you will not be required to do so. If you choose not to testify, your silence will not be considered as evidence against you. If you do testify, any statements you make will not be used against you in any official proceedings that might later occur."

b. After hearing all relevant testimony the suspected violator will be dismissed from the room and the Board will discuss the case. When the discussion is completed, the Honor Board will vote by secret ballot. A voting member of the Board will render a guilty vote only if the evidence convinces him beyond a reasonable doubt that the suspect violator is guilty of the violation in question. If the suspected violator denies guilt, a finding of guilty may not be based solely upon the uncorroborated testimony of another cadet. A unanimous vote of 8-0 is required to find a man guilty.

c. Discretion

(1) In very special cases, a cadet who has been voted guilty may be granted "discretion" by the Commandant upon recommendation of the Cadet Honor Committee and allowed to remain in the Cadet Wing. Although there are no rigid criteria for the granting of discretion, there are four general guidelines which the Honor Representatives generally consider: (1) To what class does the cadet belong and what is his experience level under the code? (2) Was the case self-reported? (3) Was there some type of unusual pressure involved in the incident? (4) Most importantly, has the cadet truly learned the personal value of honor and resolved to live honorably in the future?

(2) The concept of "discretion" was first introduced into the honor system in 1961. Within its proper scope, the Honor Code exacts a rather uncompromising and unqualified adherence from each cadet. The Cadet Wing realized that the virtues of the Code might be lost if its spirit were diluted by mechanical application of its sanctions without proper consideration of the seriousness of the

violation, the violator's state of mind, and his familiarity with the Code. Thus, to eliminate any illusion of infallibility, and to introduce a humanizing and tempering spirit into the administration of the Code, the Cadet Wing voted to authorize Honor Boards to recommend that the Commandant grant discretion in appropriate cases.

(3) Since discretion was first used in 1961, it has been carefully applied by the Cadet Honor Representatives only in certain unusual and limited cases. It is not a matter of right. Although it adds a tempering influence in the administration of the Code, Honor Representatives recognize that there is a very real danger in its use should the "second chance" philosophy be viewed by the Cadet Wing as being too liberal. The present system's value is based on an ever-present challenge to live by a demanding standard. Cadets realize that if they ever reach the point wherein discretion is the rule, rather than the exception, the system will have been undermined and rendered valueless. For these reasons, the Honor Representatives, while applying the four general guidelines mentioned above, must be satisfied not only that the violator experienced a significant reassessment of the importance of his personal integrity, but that his total character and attitude demonstrate a capability and resolve to live henceforth accoring to his newly found convictions. At least six of eight voting members of the Honor Board that heard the case must concur before discretion is requested.

(4) A cadet who is found guilty of an honor violation and not granted discretion is asked by the cadets to submit his resignation from the Academy,

and a brief statement of the findings of the Honor Committee is forwarded to the Commandant of Cadets. In all other cases, the allegations are dismissed and the suspected cadet is returned to the Cadet Wing without prejudice.

d. A cadet found "not guilty" or one granted "discretion" by the Commandant will be returned to the Wing in good standing.

e. A cadet found "guilty" is expected to resign from the Academy. However, prior to submitting his resignation, he will be given legal counsel by a Judge Advocate. That officer explains the rights and options available to the cadet. He makes it clear that resignation is not mandatory and that the cadet should not resign unless he has in fact committed a violation. The Judge Advocate also explains his rights and privileges in the event action is taken to separate him from the Wing involuntarily, and the nature and effect of various forms of separation.

f. If a man elects to resign he will be processed out as soon as possible. His resignation will be tendered and treated as a voluntary resignation, subject to all the conditions of such a resignation.

6. Announcement of Proceedings.

a. Appropriate information about "not guilty" cases or cases resulting in the granting of "discretion" will be given to the Wing. Such information will not reveal the identities of those involved.

b. Information about cases resulting in a finding of "guilty" will be fully briefed in all squadrons after the cadet involved has departed the Academy. Such cases will be analyzed and discussed in the interest of preventing similar cases, and to keep the Wing informed on the operation and vitality of the Honor Code.

c. Summaries of all cases are forwarded to the Superintendent, Commandant and Dean of Faculty for their information.

MESSAGE FROM THE CHIEF OF STAFF

In October 1972, General John D. Ryan, USAF Chief of Staff, disseminated the following message to all Air Force personnel:

Integrity—which includes full and accurate disclosure—is the keystone of military service. Integrity binds us together into an Air Force serving the country. Integrity in reporting, for example, is the link that connects each flight crew, each specialist and each administrator to the Commander-in-Chief. In any crisis, decisions and risks taken by the highest national authorities depend, in large part, on reported military capabilities and achievements. In the same way, every commander depends on accurate reporting from his forces. Unless he is positive of the integrity of his people, a commander cannot have confidence in his forces. Without integrity, the Commander-in-Chief cannot have confidence in us.

Therefore, we may not compromise our integrity—our truthfulness. To do so is not only unlawful but also degrading. False reporting is a clear example of a failure of integrity. Any order to compromise integrity is not a lawful order.

Integrity is the most important responsibility of command. Commanders are dependent on the integrity of those reporting to them in every decision they make. Integrity can be ordered but it can only be achieved by encouragement and example.

SPIRIT OF HONOR

"We will not lie, steal, or cheat, nor tolerate among us anyone who does."

This is our Honor Code. It is not meant to provide a complete set of ethical standards for life; it is a minimum standard, a cornerstone or foundation upon which each cadet can build toward a much higher ethical and moral plane. The Code itself is realistic if every cadet accepts and upholds the true spirit of our code of honor. It is livable, as is easily seen in the bonds of trust which exist among all cadets. The truly honorable cadet will not hide behind his Code, nor will he try to live by only these bare minimums. Every cadet must understand and respect the Honor Code and should expect every other cadet to regard the Code highly if it is to remain something to be proud of.

The proper perspective for our Code comes by viewing it as the basis of a solid structure of ethical and moral rules and guidelines. Conduct should not be determined simply by whether an act is specifically an honor violation; if you are in doubt about an act being honorable, ask yourself what the most honorable action would be and then set your own path. The spirit of honor should always be your guide.

THE AIR FORCE CADET WING

USAFA, USAF Academy, [illegible]

APPENDIX 6

DEPARTMENT OF THE AIR FORCE
THE AIR FORCE CADET WING
USAF ACADEMY, COLORADO 80840

REPLY TO ATTN OF: CWH (4275)

19 September 1974

SUBJECT: Discretion Case

TO: CW

1. An Honor Board was convened at 1630, 18 September 1974, to hear the case of Cadet X who reported himself for violating the Honor Code by cheating.

2. On Wednesday, 11 September 1974, Cadet X was taking a graded review in Captain K's Military Studies class. After going through the test and marking the answers he knew to be correct, he returned to the beginning of the test to review it. Cadet X then marked two answers to each of the questions on which he was still uncertain, planning to go back and erase the incorrect responses later. As "cease work" approached, he erased all but two of the second answers, which he overlooked. Cadet X did not notice this until after the critique had begun, at which time he erased one answer from each question. He immediately realized that he had committed an honor violation and decided to report to Captain K immediately after class. As soon as class was over, he approached Captain K and told him what he had done. Captain K directed Cadet K to contact his honor representative. Cadet X immediately returned to the dormitory and reported to his first class honor representative. The case was investigated and referred to an honor board.

3. The Board deliberated the case and found Cadet X guilty of violating the Honor Code by cheating. The Honor Board felt this was the classic case of a cadet who had made a mistake, realized his mistake, and had immediately taken steps to correct it, no matter what the possible cost to himself. This, coupled with the fact that Cadet X was relatively inexperienced with the Code and that he had obviously learned a vital lesson from his experience and would be a credit to the Wing in an honor sense, was the reason the Board deemed discretion appropriate and recommended it to the Commandant.

Daniel D Woock
DANIEL D. WOOCK, C1C, TAFCW
Secretary, Cadet Honor Committee

C. Thomas Hill 14M
C. THOMAS HILL, Major, USAF
Executive for Honor and Ethics

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DEPARTMENT OF THE AIR FORCE
THE AIR FORCE CADET WING
USAF ACADEMY, COLORADO 80840

REPLY TO
ATTN OF: CWH (4275)

26 September 1974

SUBJECT: Discretion Case

TO: CW

1. An Honor Board was convened at 2010, 25 September 1974, to hear the case of Cadet X, who had reported himself for violating the Honor Code by lying and cheating.

2. On 17 September 1974, Cadet X reported to his honor representative and related that he had cheated and lied during his fourth class year. The incident occurred while Cadet X was trying out for the rifle team. During one afternoon of tryouts, he was directed to shoot once at each of ten targets. On the tenth shot, Cadet X felt that he had jerked while firing, and missed the target completely. He reloaded an extra cartridge and fired an eleventh time. After reeling in the targets, a classmate standing nearby noticed that there were eleven holes in the target sheet. Cadet X stated that a stray bullet must have hit his target. He realized at the time that he had lied and cheated, but took no action to correct the situation.

3. Several weeks ago, Cadet X was talking with two other cadets who had attended a religious seminar with him this summer. The topic of the lecture concerred a passage which stated that one should have a clear conscience "with God and man." Both cadets mentioned they had met Honor Boards this year after reporting past honor violations. Both cadets had been granted discretion. Following this discussion, Cadet X's conscience began to bother him, but he could not pinpoint the exact reason. After considerable soul searching, he recalled the incident from the previous year. He resolved to report himself, discussed his intentions with several individuals, and reported the violation to his first class honor representative. The case was investigated and referred to an Honor Board.

4. The Board found Cadet X guilty of violating the Cadet Honor Code by lying and cheating. Because the incident was self-reported, and the feeling that Cadet X had sincerely learned the value of his personal sense of honor and resolved to live honorably in the future, the Board recommended discretion.

Charles J. Beam
CHARLES J. BEAM, C/Maj, TAFCW
Vice Chairman, Cadet Honor Committee

C. Thomas Hill 14Q
C. THOMAS HILL, Maj, USAF
Executive for Honor and Ethics

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DEPARTMENT OF THE AIR FORCE
THE AIR FORCE CADET WING
USAF ACADEMY, COLORADO 80840

REPLY TO ATTN OF: CWH (4275)

2 October 1974

SUBJECT: Discretion Case

TO: CW Kw

1. An Honor Board was convened at 1630 on 30 September 1974 to hear the case of Cadet X who reported himself for violating the Cadet Honor Code by lying and cheating.

2. Approximately a year ago, Cadet X copied an answer from Cadet Y's exam paper near the end of a Life Science examination. Cadet Y confronted Cadet X and asked Cadet X if he had cheated. Cadet X replied that he had not. Then, to the best of his memory, Cadet X crossed out an answer on the test so he would lose credit for what he had copied and to atone for what he had done. Cadet X left the examination room in a very depressed emotional state as a result of his actions. Cadet X, who is deeply religious, rationalized his actions and stated that he felt God had forgiven him.

3. Approximately one year later, Cadet X was involved in a small religious discussion group when Cadet Z related to Cadet X that he was deeply troubled by a possible Honor Violation he had committed and that he planned to turn himself in to his squadron honor representative. This reminded Cadet X of his earlier incident. Cadet X was troubled by the memories of his earlies actions and turned himself in to his first class honor representative. He told his honor representative what he had done, an investigation was conducted, and the case was referred to an Honor Board.

4. The Honor Board found Cadet X guilty of violating the Cadet Honor Code by lying and cheating. Discretion was discussed and was recommended for several reasons. First, the incident was self reported; no one else was aware of it and no one could have subsequently discovered it. Second, Cadet X displayed a high sense of personal honor as evidenced by his firm belief in the Code and by examples of his previously demonstrated high standards of honor supplied by character witnesses. Finally, the Board was unanimous in its feeling that Cadet X had learned a valuable lesson and had resolved to live honorably in the future. The Board felt that discretion for Cadet X further demonstrates that the Honor Code exists and is successful in producing cadets and graduates with a high sense of personal honor of the caliber as Cadet X demonstrated to the Board.

C. Thomas Hill 14R

TIMOTHY G. MURPHY, C/Lt Col, TAFCW
Chairman, Cadet Honor Committee

C. THOMAS HILL, Maj, USAF
Executive for Honor and Ethics

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DEPARTMENT OF THE AIR FORCE
THE AIR FORCE CADET WING
USAF ACADEMY, COLORADO 80840

REPLY TO ATTN OF: CWH(4275) 22 October 1974

SUBJECT: Discretion Case

TO: CW

1. An Honor Board was convened at 2000, 17 October 1974, to hear the case of Cadet X, who had reported himself for violating the Cadet Honor Code by cheating and lying.

2. On 26 September 1974, Cadet X reported to his First Class Honor Representative stating he had violated the Cadet Honor Code by cheating and lying. Earlier that day, Cadet X completed a Chemistry 121 lab and turned in a digitek data sheet at the end of the period. In the course of completing the lab, Cadet X encountered some difficulty and fell behind in time. Consequently, he was unable to finish his final experimental run before the end of the period. He decided to use the data from his first experiment, a trial run, as a substitute for the data he was supposed to have attained on his final attempt. The data from his first run was not valid because of an error in experimental procedure, so Cadet X altered this data to conform more closely to the correct answer he obtained on his third and successful trial. When asked by a classmate, Cadet Y, if he was going to make a fourth and final run, Cadet X replied he was going to "dry-lab" the data for his final run, meaning he would alter the data to produce a more accurate answer.

3. Returning from the lab, Cadet X felt bothered by his actions, realized the implications of what he had done and reported to his First Class Honor Representative. Cadet X also contacted his instructor and explained to him what had happened. The case was investigated and referred to an Honor Board.

4. At the hearing, the instructor told the board members that Cadet X would never have been caught if he had not reported himself. Cadet X stated he believed he had told Cadet Y he had made a fourth run, and therefore turned himself in for lying. In reality, Cadet X never told Cadet Y he had made a fourth run, but only told him he would "dry-lab" the final set of data. Lying, therefore, did not occur and was not voted on by the Honor Board

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5. Testimony indicated that Cadet X was not aware he was breaking course policy by using "dry-labbod" data, but had a personal feeling he had taken unfair advantage of his classmates. Cadet X related he felt he had disgraced himself and the Cadet Wing by cheating. Cadet X's personal views on the Cadet Honor Code, and the testimony of a character witness also gave evidence of high standards of personal honor and integrity on Cadet X's part.

6. The Honor Board Found Cadet X guilty of violating the Cadet Honor Code by cheating. Because the incident was immediately self-reported, the determination of Cadet X's high standard of personal honor, that he had learned a valuable lesson and would be a credit to the Cadet Wing in terms of honor in the future, the Honor Board recommended discretion. It should be noted that a self-reported incident is not grounds for automatic discretion. Many other factors, such as high personal standards of honor and being a credit to the Cadet Wing in terms of honor, are also considered.

16B

Daniel O Woock
DANIEL D. WOOCK, C1C, TAFCW
Secretary, Cadet Honor Committee

C. Thomas Hill
C. THOMAS HILL, Major, USAF
Executive for Honor and Ethics

1st Ind to CWH Ltr, 22 Oct 74, Discretion Case

CW 22 October 1974

Recommendation for discretion approved/d~~isapproved~~.

HOYT S. VANDENBERG, JR., Brig Gen, USAF
Commandant of Cadets

APPENDIX 7

Job Description of the Executive for Honor and Ethics

Responsible to the Chairman of the USAF Academy Honor Review Committee and the Commandant for supervision of the Cadet Honor Committee and Cadet Professional Ethics Committee. Serves as OIC of the Cadet Honor Committee and supervises and coordinates with the OIC of the Cadet Professional Ethics Committee. Prepares official correspondence and reports on honor cases. Supervises the processing of cadets found guilty of an honor violation, and assures all legal requirements have been met. Briefs institutional visitors and DOD officials on operation of the Honor Code.

APPENDIX 8

HONOR
CADET
CODE

"WE WILL NOT LIE, STEAL, OR CHEAT, NOR TOLERATE AMONG US ANYONE WHO DOES"

HONOR INSTRUCTION MANUAL OF THE AIR FORCE CADET WING

JUNE 1972

HONOR INSTRUCTION MANUAL

Lesson	Title	Page
HC-1	Introduction to the Honor Code	1-1
HC-2	Lying	2-1
HC-3	Review of Lying	3-1
HC-4	Stealing	4-1
HC-5	Cheating	5-1
HC-6	Review of Cheating	6-1
HC-7	Toleration	7-1
HC-8	Toleration Review	8-1
HC-9	Professional Lecture on Toleration	9-1
HC-10	Lying, Quibbling, Cheating	10-1
HC-11	Stealing and Tolerating	11-1
HC-12	Administration and Mechanics of the Honor Code	12-1
HC-13	Personal Interview	13-1
HC-14	Privileges, Status Cards, and Signatures	14-1
HC-15	Pre-Academic Year Review	15-1
HC-16	Relationship of the Honor Code and the Ethics Program	16-1

INTRODUCTION TO THE HONOR CODE

1. SYLLABUS DESCRIPTION

a. Purpose. To acquaint the Basic Cadet with the Honor Code and the Cadet Professional Ethics Program, and to lay the foundation for the summer honor instruction.

b. Desired Learning Outcomes: The Basic Cadet will:

(1) Develop an understanding of the philosophy of honor and its application to the military profession.

(2) Become aware of the concept of toleration.

(3) Understand the meaning of, and the reasons for, the use of discretion.

2. INTRODUCTION AND MOTIVATION

Emphasize that the spirit of integrity developed at the Air Force Academy will remain as a personal asset and tribute to each individual throughout his later career in the Air Force.

3. ASSIGNMENT TO STUDENTS

The student should become familiar with the Honor Reference Manual and study pages 1-3.

4. This first lesson the Honor Code will be a lecture presented by the Chairman of the Honor Committee. It will be presented to the entire class of new cadets assembled in Arnold Hall Theater.

LYING

1. SYLLABUS DESCRIPTION

a. Purpose. To explain to the Basic Cadets the necessity for this element of the Code, and to give them a feeling for the concepts involved, particularly those concerning quibbling, pop-offs and mistakes, and the proper use of tact.

b. Desired Learning Outcomes: The Basic Cadet will:

(1) Understand the importance of making completely true statements; every answer to every question must be completely truthful regardless of the temptation to alter the truth in one's favor.

(2) Understand that the basis of lying is the intent to deceive.

(3) Understand quibbling and its application to the Honor Code.

(4) Understand the meaning of a pop-off and what he should do about it.

(5) Understand the use of tact and what he can and should do in a given social situation.

(6) Gain a feeling for the spirit of the Honor Code and not a skeptical idea of it as a "regulation".

2. REFERENCES

Study pages 5 through 12 in the Honor Reference Manual.

3. INTRODUCTION AND MOTIVATION

a. The goal of the Honor Code is to establish within each cadet a keen appreciation for the importance of integrity in the character of the professional military officer and to insure each cadet's dedication to being a man of honor and integrity. Within this framework the Honor Code is a tool for self-discipline and is not a regulatory device imposed by the Academy administration. A cadet's sense of duty should dictate that he properly discharge his responsibilities, even though he is not honor bound to do so. However, the Honor Code does dictate that a cadet will not lie or quibble to avoid the responsibility for his mistakes or shortcomings. Cadets are expected to be straightforward in answering the questions of those who are in authority over them and to manfully accept whatever punishment they bring upon themselves. This expectation is patterned after that which will be expected of the graduate once he is commissioned an officer in the United States Air Force.

b. More Fourth Classmen leave the Academy for this offense than for any other. Most violations are connected with duties and minor obligations. The avoidance of punishment for such infractions is NEVER worth the chance of leaving the Academy by violating one's honor.

c. Most people are brought up to tell the truth. At the Academy you are expected to tell the truth all of the time even though doing so may well bring some punishment to you. It is of great worth to be known as an honest man of high integrity. You will enjoy the trust which other cadets place in your word. When you speak, your statements are not questioned. This is only true because experience has shown that cadets can be trusted. The maintenance of this confidence is the responsibility of every cadet.

d. Why is truth so important to you? You, as a commander and your own superiors must have absolute confidence in all information. This is important from a seemingly unrelated staff position to an actual combat position. Maybe that sounds just a bit dramatic, but the accurate reporting of information can mean the saving or loss of both men and resources.

e. There are, aside from normal operations, certain circumstances that fall under the concept of lying. These may have been touched upon in previous discussions, or perhaps will be later. They include such concepts as your status card, the "All Right", and your signature.

4. MAIN POINTS OF PRESENTATION

a. Definition of Lying: Lying is making an assertion which is intended to deceive or mislead. A lie may be an oral or written statement, or even an action, which is misleading or deceiving and meant to be so. That's all there is to it. It is a simple concept. The following discussion merely expands on this definition, covering situations which may be peculiar to the Cadet Wing, they also clarify situations which may not be unique to the Academy yet are new to you. Keep in mind that the points to be included in this discussion are all inseparable from the basic definition of lying, and you should mentally relate each form of lying to the basic definition. In this way you may begin to get a feeling for the "spirit" of the Honor Code. It is this "spirit" of the Code which you are expected to take away from the Academy as a part of you.

b. Quibbling.

(1) Quibbling is the intentional telling of a half-truth which knowingly creates a false impression. The most important guideline here is accuracy. Be aware of what your questioner is asking, and answer his question. Do not state some half-truth with the intention of creating a misimpression in the mind of the observer. Here again, the basic concept is that of deception.

(2) You must always act upon what you know to be the intent of a question or order. Misspelling of your name does not mean that it is not you, and the fact that you shined your shoes a week ago does not mean you shined them before the formation.

(3) There are many areas that in the past have arisen as problems. They concern the facts that you include on a Form 103, the use of personal identification, motel or hotel room "stacking", and "stuffing" one's bed. It is difficult and unnecessary to define all that you can or cannot do; if it feels wrong to you, don't do it. Don't stop at a "minimum standard"; go all the way and develop a truly high standard of honor.

c. Leading and Improper Questions.

(1) It is important to keep in mind that the Honor Code is not to be used to pry into the cadet's personal life and place him in an embarrassing position.

(2) A cadet is liable to questioning concerning any regulation violation he may have committed. However, before questions of involvement are asked there should be a reasonable suspicion of guilt on the part of the questioned cadet. Questioning should be above board and directly related to a single possible offense against regulations. In other words, questions should be avoided when there is only vague suspicion that some punishable act did occur. For example, the squadron commander who finds an empty liquor bottle in the latrine would not line up his entire squadron and ask each cadet if the bottle were his. On the other hand, if the bottle were found in a cadet room, both occupants could properly be questioned about the incident.

(3) Cadets should not be asked personal questions concerning themselves or their girlfriends, or other personal matters.

(4) When asked a personal question a cadet may decline an answer. When asked a question about his conduct which he feels was not prompted by reasonable suspicion the cadet should first answer the question and then discuss the case with

his honor representative. When asked an official question by an officer or a cadet, the cadet must give a complete and truthful answer. If, in fact, the question is determined to be improper, the information will not be used to punish the involved cadet.

(5) While the purpose of the Honor Code is not to enforce regulations, each cadet must realize throughout his cadet life he will be asked to certify by his signature that he has performed certain duties, such as attending required lectures or doing a particular job. A cadet will also have to certify that he has not done certain acts. For example, a man may be required to state his marital status, the state of his health, or whether he has ever been a member of a subversive organization.

d. Pop-offs and Mistakes.

(1) In pop-offs and tact, extreme care must be taken to understand the definitions and limits of these kinds of statements.

(2) A pop-off is an incorrect "yes" or "no" answer, or a statement made in haste. The important point here is that the cadet makes a statement as an "unthinking" reaction to some degree of pressure.

(3) A cadet MUST correct a pop-off or a mistake as soon as he realizes the mistake. He should correct it to his questioner in the same conversation if possible. If not, he should see both the questioner and his honor representative as soon as possible. A cadet will never be criticized for correcting such statements, but naturally will be questioned further concerning the facts in question.

e. Tact.

(1) Tact reflects the realistic social world in which the Honor Code exists. The complete truth may possibly be embarrassing to someone else. This is the limit of tact; it is the social avoidance of the complete truth in order to prevent embarrassment of OTHERS. Tact may never be used to avoid personal obligations or inconveniences.

(2) Polite compliments may be used in social situations. However, one cannot say anything he wants to a girl, amorous situations included, and label it "tact".

(3) Pre-existing social obligations and military duties may never lead to "tactful" solutions to your own time scheduling problems.

5. SUMMARY

Emphasize the importance for complete truthfulness. It is one's intent that is important and one should always be aware that it is never worthwhile to compromise himself or his honor for any reason.

REVIEW OF LYING

1. SYLLABUS DESCRIPTION

a. Purpose. To review the previous lesson and remove any doubts that the Basic Cadet may have concerning the concept of lying and the various forms of lying which may be unique to the Cadet Wing or new to the Basic Cadet.

b. Desired Learning Outcomes. The Basic Cadet will:

(1) Ask questions and discuss any problem areas that he did not understand from the previous lesson.

(2) Gain a feeling for the concept of honor.

2. REFERENCES

Questions brought up but not answered in HC-2. Problem areas as suggested by HC-2 instructors.

3. MAIN POINTS OF PRESENTATION

a. Encourage the Basic Cadet to ask any questions that he has.

b. Encourage discussion among the Basic Cadets to see if they have gained enough feeling to answer some of their own questions.

c. Expose Basic Cadets to sample cases and insure understanding.

4. SUMMARY

Review the previous lesson and all questions that have been resolved in this lesson.

STEALING

1. SYLLABUS DESCRIPTION

a. Purpose. To give the Basic Cadet an understanding of the stealing clause of the Cadet Honor Code.

b. Desired Learning Outcomes. The Basic Cadet will:

(1) Understand what is meant by stealing and why it is part of the Cadet Honor Code.

(2) Understand how the stealing clause relates to the spirit of the Cadet Honor Code.

2. REFERENCES

Study page 12 of Honor Reference Handbook.

3. INTRODUCTION AND MOTIVATION

a. There are many differences between the United States Air Force Academy and civilian colleges. In fact, one of the primary justifications for the Academy is that it provides character training in addition to academics. Honor is a basis for any real character. The Cadet Honor Code is designed to give you a basis for character and ethical development.

b. Stealing is a part of our Cadet Honor Code:

(1) Personal property rights are necessary to any organized civilization.

(2) The value of a military object is often much greater than its monetary value; i.e., a parachute.

(3) In the military, the personal integrity of the individual must be relied upon to a great extent; i.e., use of common facilities.

(4) We have an obligation to our country to insure the optimum use of money spent for defense.

(5) Mutual respect for property among cadets makes one appreciate more the precepts of the Code.

4. MAIN POINTS OF PRESENTATION

a. Definition of Stealing: Intentionally depriving someone else of his property.

b. The following examples should serve only as a guide to your understanding of the concept of the Cadet Honor Code. They are not meant to be right or wrong actions.

(1) An obvious example: Stealing personal property.

(2) Credit Cards: These are a substitute for money.

(3) Found Items: The cadet is required to make an effort to find the owner commensurate with the value of the found item.

(4) Government and Communal Property: This cannot be intentionally destroyed.

(5) Form 10 Policy: A cadet who accidentally comes into possession of all three copies of a Form 10 cannot destroy them but can keep them permanently: A cadet cannot intentionally seek out all three copies of a Form 10. They must come into one's possession inadvertently.

(6) Situations peculiar to the Academy: Gymnasium, vending machines, the dining hall, and the chemistry laboratory.

(7) Borrowing: Having specific or implied permission and leave a note.

5. SUMMARY

The Cadet Honor Code is aimed at providing you with a basis for your character. It is a minimum standard. (Example will be given.) Stealing is one of the four main clauses of the Cadet Honor Code. It cannot be present in the Air Force nor tolerated in any situation or circumstance. A final thought will be given in the class presentation.

CHEATING

1. SYLLABUS DESCRIPTION

a. Purpose. To acquaint the Basic Cadet with his responsibility to the Cadet Honor Code in the area of cheating.

b. Desired Learning Outcomes. The Basic Cadet will:

(1) Understand the Wing's concept of the meaning of cheating.

(2) Understand the relationship of the Honor Code to academic procedures in: graded work, quizzes and graded reviews, and plagiarism.

(3) Understand the trust and confidence attributed to each cadet not only in the academic competition and classroom situation, but also applied to his whole life as a cadet.

2. REFERENCES

Honor Reference Handbook (1972) and the Honor Instruction Manual (1972).

3. MAIN POINTS OF PRESENTATION

a. Meaning of Cheating: Basically, cheating involves taking unfair advantage of others. This is not a strict definition but rather a guide to understanding the intrinsic unfairness of cheating. Cheating is not confined to any single area - it applies to your whole cadet life from academics to physical education.

b. Graded Work: Most of the graded work at the Academy will be done on an individual basis. Your work is accepted by the instructor with the idea that you have done it yourself unless there is specific authorization by the instructor which allows outside help. Know and understand the policies of a course; if you have any questions, be sure to ask your course instructor.

c. Quizzes and Graded Reviews:

(1) Test preparation: Cadets will not gain prior knowledge of test questions because to do so would obviously give them an unfair advantage over cadets who had not received such prior knowledge. After taking a quiz, a cadet may tell others only that there is a quiz. No comments about the time of the quiz or its difficulty are

permitted. If material is inadvertently learned concerning test questions, the cadet should tell the instructor what was learned and let the instructor decide whether or not the test should be taken.

(2) Starting and stopping times: It is the responsibility of each cadet to insure that the allotted time for a test is not exceeded. Do not begin work until the starting time and stop when the command to "cease work" is given. There is a strong desire to fill in that last blank or circle those final questions, but maintaining one's personal honor with regard to cheating is far more important than answering one more question. Problems also arise when critiquing tests or quizzes in the classroom while the cadet still has them. Keep your pencil on the desk if necessary.

Example: Guilty Honor Case, 8 Feb 71.

On 22 October 1970, a quiz was given in Cadet B's Military Training class. Cadet B stated that in the process of taking the quiz he had considerable trouble in deciding on the answer to question 1. He had narrowed the choice down to answers B and C. He placed answer C on the answer sheet shortly before a final cease work command was given. While going over the quiz in class, Cadet B heard his classmates say that B was the correct answer and he immediately changed his response to B. Cadet B was later confronted by one of his classmates and asked to see his honor representative.

The Board found Cadet B guilty of violating the Honor Code by cheating because (1) he had changed the answer on his quiz; (2) he passed it in for credit and did not attempt to consult his instructor and correct the situation.

(3) References during examinations: Needless to explain in detail, only authorized references may be used during examinations. This will vary from test to test and may include such things as CRC tables, open-books, open-notes, or slide rules; in addition, no unauthorized notes will be allowed in authorized text or reference books. If you have any questions concerning what materials you may, in fact, use you should ask your instructor.

Example: Guilty Honor Case.

Cadet CB took some formulas on a piece of paper to his mathematics final for the purpose of reviewing immediately prior to the exam. He had prepared these formulas the night before. During the exam he had some difficulty with some of the problems so he decided to use the formula sheet he had prepared. He proceeded to the latrine, studied the notes, and went back to the examination room to finish the test. He stated that the information he had obtained from the notes definitely helped him with the problems he had been unable to do. Cadet CB said he had a low grade in Mathematics and felt that he had failed the History final examination. Cadet CB reported himself to his honor representative for a breach of honor and was found guilty by the Board.

d. Plagiarism: Plagiarism is the attempt to pass off ideas or words of others as your own in writing essays or themes. The best way to avoid plagiarism is through the use of proper documentation. Again, ask your instructor if you have any questions.

Example: Guilty Honor Case, 18 Feb 1972.

On Monday, 24 January 1972, Cadet R submitted a theme for English 112 which was a critique of a poem. While reading the theme, Cadet R's instructor noticed the similarity between the theme and a critique of the same poem that he had read previously in a book. When approached by his honor representative and asked to explain the similarity, Cadet R stated that he had used a theme from a high school girl friend as his source, but that he did not believe this to be plagiarism. He did not reference this source in the theme that he submitted. His explanation for this action was that he understood that he should reference only copyrighted material or the work of eminent authors.

Cadet R had thrown away the girl friend's theme; however, a letter from her led to the discovery that she had copied her theme verbatim from a book by the same author as the one read by Cadet R's instructor. Cadet R's instructor went through the whole theme and discovered that more than half of it was a direct paraphrase from the book and that major portions of the theme corresponded verbatim with the book. The Board found Cadet R guilty.

4. SUMMARY

a. If academic procedural problems arise, consult your instructor for the department's point of view. If you are still not satisfied, consult your honor representative as soon as possible.

b. In order to avoid placing another cadet in a possibly compromising position, be careful not to talk about tests in the presence or close vicinity of cadets who have not yet taken the test.

c. Understand the trust and confidence attributed to a cadet by his fellow cadets and by instructors. Understand what cheating is.

d. Discrepancies: If something that appears possibly dishonorable occurs, it is the responsibility of the observing cadet to clear up the matter. This can often be done by asking the other cadet for an explanation. If such an explanation does not satisfactorily negate any question of dishonor, then the cadet should talk to an honor representative in all cases.

e. Remember that no grade, even if it results in dismissal from the Academy for academic reasons, should cause a cadet to tarnish his personal integrity and sense of honor.

REVIEW OF CHEATING

1. SYLLABUS DESCRIPTION

a. Purpose. To review and build on the initial lesson on cheating and remove all doubts the Basic Cadet has concerning the concept of cheating.

b. Desired Learning Outcomes. The Basic Cadet will:

(1) Understand the close relationship that exists between cheating and the other aspects of the Code.

(2) More completely understand the concept of cheating and its application to the Cadet Honor Code.

(3) Discuss the previous lesson and resolve any questions which may exist.

(4) Discuss cheating in relation to the spirit of the Honor Code.

2. REFERENCES

Honor Reference Manual (1972) and the Honor Instruction Manual (1972).

3. MAIN POINTS OF PRESENTATION

a. Re-explain what is meant by "taking unfair advantage of others".

b. Differentiate between plagiarism (the intentional lack of documentation) and improper documentation (documentation that is done incorrectly but unintentionally).

c. State restrictions on receiving tutoring and extra instruction for take-home problems and labs - course guidelines; ask questions; it is your responsibility to know.

d. Make certain the Basic Cadets understand the responsibilities of a cadet who has taken a quiz and what he may tell others. (There was a quiz, not how long, how hard or when)

"A CADET WILL NOT DISCUSS A QUIZ OR EXAMINATION WHICH HE HAS ALREADY TAKEN WITH ANOTHER CADET WHO IS YET TO BE TESTED ON THE SAME MATERIAL, EVEN IF THE TEST IS TO BE SUBSTANTIALLY DIFFERENT."

e. Clarify what a cadet should do if he accidentally receives an unfair advantage or suspects another of the same.

f. Explain the use of the library and library policies on reserve books - don't check out, take, hide, etc.

g. Explain how a "cheating" violation is administratively handled by the academic departments and the Honor Committee (i.e., the use of department honor liaison cadets and officers).

4. SUMMARY

Review and answer any questions. Stress the spirit of the Honor Code as opposed to technical intricacies which may narrow one's view of the Code. Along with resisting the temptation to cheat himself, each cadet should avoid placing others in a situation where the temptation to cheat exists. Emphasize the temptation to cheat when under pressure to do good on a Wing quiz or on the rifle range, but cheating is not the answer.

Example: Guilty Honor Case, 18 Apr 72.

C4C H cheated on the Wing Phase Test. He felt that if he had not done well on the test repercussions would be felt by him in some form of remedial training. Consequently, he looked on another cadet's paper to get an answer he had no idea about.

Emphasize the Honor Code is only a minimum standard, and point out the fact that "trying to get around the Code" is not really an acceptable or desired result of the Code's objectives.

TOLERATION

1. SYLLABUS DESCRIPTION

a. Purpose. To give the Basic Cadet an understanding of the toleration clause and to convince them that it is a necessary and viable part of the Code.

b. Desired Learning Outcomes. The Basic Cadet will:

(1) Learn the meaning and purpose of the toleration clause and accept it as a necessary part of our Honor Code.

(2) Develop an understanding of toleration's relationship to the theory and spirit behind the Code.

2. REFERENCES

a. Study pages 19 and 20 in Part I.

b. January 1972 Honor Investigation Briefs.

c. Study the attachments to this lesson plan.

3. INTRODUCTION AND MOTIVATION

a. Ask if there are any questions from previous lectures. If there are any questions, answer them before starting on toleration.

b. Strongly emphasize that the spirit of the Code is of main importance. Stress that the Honor Code is not to be considered as a regulation or law.

c. Re-emphasize that the Code is cadet-originated and administered.

d. Read letter by the cadet in the Class of '68 who left for an honor violation.

4. MAIN POINTS

a. Explain the meaning of "non-toleration".

(1) It is not "ratting".

(2) A cadet will not tolerate any act which he personally feels is an honor

violation even if the party committing the act does not feel it is an honor violation.

Emphasize that a cadet also must not tolerate a cadet who has tolerated any other honor violations on the part of other cadets.

b. Discuss the obligation one in the military has to the American people.

(1) Read and discuss the excerpt from the paper by Harry P. Wetzler, Class of '67.

(2) Give examples of dishonorable acts and toleration of such acts that might affect national security (Passing secret documents, non-reported failure to accomplish parts of prescribed procedures, etc.).

c. Discuss a cadet's obligation to his fellows, at the Academy and in the Air Force.

(1) The Wing places its trust in each member. If a cadet knows of a dishonorable member in the Wing and does not report it, he becomes an accessory in keeping dishonor within the Wing.

(2) Are the interests of one good friend more important than the interests of several others?

d. Explain that the toleration clause, the backbone of the Code:

(1) Makes it work.

(2) Eliminates need for a policing body.

(3) Stops any cancerous growth of honor violations.

e. Read and discuss reply by General Louis T. Seith.

f. January 1972 Honor Incident.

(1) Started on a very small scale.

(2) Demonstrates how toleration can allow dishonorable acts to spread.

(3) Eventually reached such a scale that quizzes were being taken fro class and rehearsed in the squadron by members who had not taken them yet.

(4) Statistics:

Toleration and Cheating - 22
Toleration Alone - 11
Stealing, Cheating and Toleration - 3
Cheating Alone - 1
Lying and Toleration - 1
Stealing and Toleration - 1.

g. Discuss the procedure to follow if a possible honor violation comes to your attention.

(1) Approach the person in question. Discuss the situation with him and if you feel he has committed an honor violation, tell him to report the occurrence to the honor representative in his squadron.

(2) Notify your own squadron honor representative of the situation.

5. SUMMARY

a. Reiterate the main points of the lesson and emphasize that the primary purpose of our Code is to produce honorable men.

b. Again emphasize the spirit behind the Code and how toleration is an integral part of this spirit.

c. State that most Academy graduates regard the Code as one of the most valuable experiences they had while at the Academy.

d. Have several of the Basics reiterate the main points of the lesson, each giving one in his own words.

e. Answer any questions about toleration or the Code in general.

f. Mention the short talks by a doctor and a lawyer to be presented to the entire class near the end of First Detail. Subject: "The Toleration Concept and the Professions".

1. Excerpts from a letter by a cadet who left the Class of 1968.

Written to the Class of '68 after resigning from the Academy because of violating the Honor Code. Dated: 8 March 1967.

"Do you remember when you accepted the Honor Code? Or like myself do you remember accepting a double standard? Yours and the Academy's.

"What I really would like to say is that we've...reached a turning point in our infant careers. I didn't realize this however 'till it was too late to keep from smashing my career.

"To an officer, Duty and Loyalty should be the two guiding principles of his life - not just inflated words in his vocabulary.

"When I cheated, I broke all bonds of loyalty between ourselves and could no longer claim a loyalty higher than a false one to myself. But you almost erred too - by tolerating my selfishness. Could you have been loyal to yourselves if you had maintained a loyalty to someone who wrongfully discredited you? No. So you could not have tolerated my cheating in your midst. What kind of friend would ask another to cover for his dishonesty?

"In other words, was it not your duty to report me? You would have failed yourself and your true friends.

"Why didn't I understand some of this 'till now? And I'm no different than many of you - except that possibly I'm weaker.

"This letter only poorly conveys what I think and feel. But think about what I wanted to say and what I have said, for above all it is sincere. It has taken a lot of growing up lately to come to these conclusions and I'll always be sorry I missed the boat somewhere..."

2. Excerpt from a paper written by Harry P. Wetzler, Class of 1967.

"Behind any Honor Code there must be one goal of paramount importance -- that is the development within each individual who lives under the Code an unwavering sense of integrity, an unwavering sense for that which is 'right' under the circumstances. These qualities are desirable in any member of society, but they are essential in the soldier and officer. For the military man has a high degree of calling: he is responsible to his country, to his many fellow citizens. He is subject to pressures which are greater than those faced by his civilian counterpart, and the consequences of his acts are generally farther reaching. Thus, the officer must have ingrained within him a sense of honor and integrity which will serve him at all times no matter what the difficulties or personal risk. The citizenry has placed their confidence, and oft-times their lives and futures, in the hands of the military defense establishment; any laxity on their part cannot be tolerated."

3. Excerpt from a letter sent to all applying students by the Office of the Dean of Students, Davidson College, North Carolina.

"As you know, Davidson believes in the value of many things which are part of the century-old tradition of the College. You will be a part of a student government centered in a longstanding honor system; this honor system requires not only that you yourself refrain from cheating, stealing, and lying in formal statements, but that you report violations of the honor system which come under your observation."

1 Atch
Comments by BGen Seith, Spring 67

Extracted from comments made by Brigadier General Seith, Commandant of Cadets, Spring 1967:

QUESTION: SHOULD THE TOLERATION CLAUSE -- AND THE HONOR CODE -- BE MADE TO APPLY TO ONLY THE MORE 'SERIOUS' OFFENSES? SOME CADETS HAVE SAID: "YES, I WOULD REPORT A 'SERIOUS' OFFENSE, BUT NOT SOME MINOR OFFENSE."

Any moral value, habitually transgressed, tends to lose its significance -- both for the violator and the tolerator. "Minor" transgressions, having become tolerable, then become the departing point for new levels of "minor" transgressions, levels that once seemed "major". This is the anatomy of moral degeneration.

This was apparent in the cheating scandal of 1965, wherein cadets first tolerated, then cheated only when helping others (but never received help themselves); from here, even bright students found they might as well accept help, and were soon cheating for their own benefit. First they did it only on rare occasions when they were too busy to study. Next they found it convenient to cheat more often. After a while it was nicer to cheat frequently because it permitted them to live in a more relaxed fashion (no studying). From here it went to actively recruiting others; from here cynicism set in, and the violations became increasingly criminal, e.g., passing exam papers, colluding as a ring, stealing, etc., etc.

Moral degeneration does not compartmentalize itself. Some cadets were conditioned for cheating -- or tolerating cheaters -- by the guilt of dishonorable acts in other areas. In some cases this involved violations of the card or the "All Right". In others, the process was initiated by cheating and expanded into violating the card, or even to stealing.

QUESTION: MANY OF THE CHEATERS STARTED OFF AS TOLERATORS. IT SEEMED TO THEM THAT THE VERY ACT OF TOLERATION BECAME A TRAP. CADETS FOUND THEY HAD VIOLATED THE HONOR CODE, THEN DECIDED THEY MIGHT AS WELL GO ON AND BE CHEATERS. IF WE COULD REMOVE TOLERATION FROM THE CODE -- OR AT LEAST REDUCE THE PENALTY, WOULD NOT THIS TRAP BE REMOVED?

Yes, the very act of toleration is a trap. But if we assume no prohibition against "tolerating" a cheater, then toleration would become an even greater trap.

Even without a "no toleration" clause in the Code, many persons who tolerate cheating by others will eventually become cheaters themselves. Anyone who lives closely with cheaters will find it hard not to become discouraged and disillusioned -- more so if they are his respected friends. His friends all do it; they don't work hard, while he studies; they get better grades than he; perhaps he loses privileges or is threatened with academic failure. The probability is that if the honest man cannot bring himself to stop the cheater, sooner or later he will throw up his hands and start cheating himself. Widespread toleration will spawn widespread cheating. The closer the student society, the more insidious this reaction will be.

As a matter of fact, if enough people tolerate cheating by others, does not cheating then become an accepted standard -- by definition?

If the very act of tolerating cheating weakens one's own resolve not to cheat, would not that resolve be further weakened by the reduction of any threat of discovery by authorities? Would not cheating become easier, in the absence of a real deterrent as represented by the "no toleration" clause?

Concerning a reduced penalty for toleration, it has been suggested that people would not be "trapped" by tolerating if they knew that the penalty was not so extreme. It may be true, that some tolerators, having thought it all out, might be less fearful of coming forward with a confession, were the penalty less severe. But other cadets who might be deterred from tolerating by the severity of the penalty might now take a chance, thinking primarily of the severity of the penalty to the cheater himself. After all, if the tolerator did get caught (or become conscience stricken), the penalty would be an endurable one for him, especially when compared to the penalty for his friend, the cheater. So, it is questionable that a reduced penalty for tolerating would decrease toleration -- it would very likely increase it.

QUESTION: HOW DOES THE HONOR CODE -- AND THE TOLERATION CLAUSE -- RELATE TO THE LAW? TO DUTY?

One of the intellectual traps waylaying college students is perversion of "freedom of choice," of "intellectual freedom," of the "responsibility to question and to probe intellectually." In some circles those great principles have become a rationalization for civil disobedience movements, the Vietnicks, and protest movements.

Some cadets have fallen into this trap by saying in effect: "I will obey those rules (regulations) which make sense to me. The others I will not." This transfers to the cadet leader who says: "I will enforce only those rules and regulations in which I believe." This cadet denies his sworn duty and responsibility as a soldier, and reflects a concentration on self to the exclusion of another all important principle: The very foundation of U.S. civilization depends upon acceptance of laws imposed by a majority, even though they may not be understood or liked by large segments of the population.

In the military, each man takes an oath to uphold the laws of his country -- and the rightful orders and regulations that stem from those laws. Cadet regulations fit this category. No cadet has any right -- morally or legally or otherwise -- to decide which regulations are not worthy of being obeyed or enforced. True, he may violate a regulation for many personal reasons, however unworthy, and the punishment will follow if he is caught. But he may never set any regulation aside on the grounds that it is an unworthy regulation. This is subversive insubordination.

Cheating, stealing, and lying are unlawful acts under the UCMJ and contrary to the rules of cadet behavior. Toleration of these acts is also unlawful. All citizens are bound by law to stop or report unlawful acts; otherwise they become accessories to these acts. Witnesses to felonies (not misdemeanors) are required by law to report these crimes and to identify the persons who commit them.

The obligation of a cadet to the Cadet Honor Code is bound by the law, yet it goes beyond the law and military regulations. Each cadet knows he is committed to uphold the Code, to live by it in its entirety, as it stands now. He is committed to his classmates, and to each member of the Cadet Wing -- and he is committed to this above his loyalty to friends and individuals. He cannot mentally set aside any part of it -- including the toleration clause -- without violating his commitment to each member of the Wing. He may question a part of it, or he may advocate change, but to remain in the Wing with any reservation about his personal commitment to comply with the Code is in itself dishonorable and fraudulent.

Concerning toleration, each cadet has committed himself to be the guardian of the Honor Code. Just as a priest has committed himself never to reveal a confidence taken in confession, a cadet has committed himself to confront and reveal a violator of the Code. This has become both a duty under the law and a personal commitment.

QUESTION: HOW CAN A CADET RESOLVE THE APPARENT CONFLICT BETWEEN HIS LOYALTIES TO HIS GOD, TO FRIENDS, TO THE SQUADRON, TO A TEAM, AND TO THE HONOR CODE?

No man can be relieved of the conflict of loyalties -- to self, to family, to country, and to a host of other commitments. But he can learn to live with these conflicts. Resolution of these conflicting demands is a part of growing up.

A professional military man resolves his conflict by his oath of allegiance. Each cadet swears that he will support the constitution; that he will bear true allegiance to the national government; that he will defend the sovereignty of the United States, paramount to any and all allegiance, sovereignty or loyalty he may owe to any state, county, or country whatsoever; and that he will at all times obey the legal orders of his superior officers, and the rules and articles governing the U.S. Air Force.

We all love our country, and we support the constitution -- but we need something more concrete on which to hang our loyalties. Thus we love our Air Force, our Wing, our squadron, and our fellows that make up these units. Our allegiance to country is realized through these subordinate loyalties. We also love our families, friends, teammates outside the Air Force. There need be no real conflict here either -- provided that our families, friends, and teammates, or our fellow military men do not ask us to violate our pledged loyalties as professional military men. No true friend will ask this. Successful military men nationwide can attest to this fact.

Concerning religious loyalties, most religions recognize that a man may serve his God and still be loyal to his military oath.

QUESTION: IS THE TOLERATION CLAUSE MERELY AN EXPEDIENT? OR IS IT A MORAL VALUE?

"Expediency" is defined as something opportune, something having self-interest in the narrow sense, something having a short range goal. Some cadets have wondered if the toleration clause has only an expedient value, because it is an opportune means of enforcing Code's [illegible] sanction against lying, cheating, and stealing. Some have said that "non-toleration" has no moral value in itself, but is merely a tool to enforce a rule.

A moral value is concerned with a standard of right behavior, something that is sanctioned by or operative on one's conscience or ethical judgment. In another sense it also has to do with freedom from anything petty, mean, or dubious in conduct or character.

One of the most common foundations of moral value lies in the preservation of a civilization or a society. That which preserves our society is moral; that which would undermine or destroy the basic foundations of our society is highly immoral. Thus, many of our laws support basic moral values, or are themselves moral -- because they aim to prevent destruction of our society or to protect important concepts upon which our nation was founded. For example:

a. Anything which would undermine or destroy the family unit in our civilization is considered immoral, e.g., adultery, cruelty, desertion, etc., etc.

b. Preservation of military authority and effectiveness, in a sense becomes a moral value to those who have taken the Oath of Allegiance. A military organization requires total loyalty in the sense of preserving its integrity. This type of loyalty is demanded because the military organization is essential to preservation of the nation. One of the very fundamental rules of the military organization is that of total integrity in the military member. Lack of integrity destroys the organization's effectiveness and thus endangers the country. This is why, in a military organization, integrity is recognized as being destructive of the value of integrity, and, in turn, of the organization.

There is another facet to this problem. Is not a man of honor, who accepts a solemn commitment, morally bound to that commitment? An Air Force cadet commits himself by his Oath of Allegiance to his country -- and thus to the Air Force Cadet Wing. And, by the very fact of remaining a cadet, he commits himself to obey the Cadet Honor Code. To remain as a cadet, while failing to accept this commitment, is, in itself, an act of disloyalty -- and perhaps also of immorality.

TOLERATION REVIEW

1. SYLLABUS DESCRIPTION

a. Purpose. To re-emphasize the key points presented in the previous lesson on toleration, and to give the Basic Cadet an opportunity to ask questions.

b. Desired Learning Outcomes. The Basic Cadet will:

(1) Develop a deeper feeling for the spirit of honor.

(2) Recognize the necessity for the toleration clause.

(3) Develop an understanding of the difference between toleration and "squealing".

2. TRAINING AIDS.

"Donaldson Interview" concerning toleration.

3. REFERENCES.

Read the attached letters and editorials.

4. MAIN POINTS OF PRESENTATION.

a. Each cadet must have a feeling for the spirit of honor because this will be his only guide in unfamiliar situations.

b. Toleration cannot be condoned not only in the Air Force, but also in many civilian professions, such as Medicine and Law.

c. The toleration clause is the part of the Honor Code that is most misunderstood. If we are to have an Honor Code, the cadets themselves must enforce it. Without the toleration clause, the Code would quickly belong to the Academy administration. Non-toleration is often compared to "tattling" or "squealing" which reflects a gross misunderstanding of the Honor Code. A parent whose child runs and tells every minor thing a smaller child does wrong would call it tattling but the same parent would welcome the information that a child was sticking a hairpin in an electric socket. An Honor Code is based on the single fact that people must appreciate it and care enough for it to subordinate their self interest for the good of the greater whole. Adolescent values such as inordinate esteem of friends and the need for togetherness cannot be equated in any way to the importance of integrity in the military. People who criticize the Cadet Wing for non-toleration are equating cadets to little boys who are expected to be present-oriented with no appreciation for work, sacrifice, and service to our country. They forget that we are military men who our nation depends on today and even more so for tomorrow. If the military officer is a professional, then he should police his own profession. Congress cannot expect to police an organization the size of the military. We must do it and the place to start is here.

d. The toleration clause binds the Code together but does not exist merely to enforce the Code.

e. Explain the background behind the taped version of the "Donaldson Interview" and play the tape.

5. SUMMARY

The mission of the Air Force Academy is to train officers whose performance will be exemplary in every respect. As an editorial on 27 February 1967, in The Tulsa Tribune stated: "...a code of honor that not only does not practice evil, but that does not condone it is tremendously important to the efficiency and morale of a military organization. It produces a climate of trust. And trust among top officers is a great aid in winning wars."

EDITORIAL - from an unidentified source

A good citizen who sees a crime committed reports the offense to law-enforcement authorities.

A college student who reports an honor code violation is performing a duty of good school citizenship.

The student who violates a school's honor code is, in effect, committing a crime against the school's good name.

He is doing more than that. He is committing an offense against non-cheating students in that he gets by cheating, what they get by hard work. And he is committing an offense against society in general, since the public is deceived by the diploma he is given, if it is acquired fraudulently.

Yet, if a good citizen of a college reports a cheater, who has committed an offense against the school, fellow students and society, some personnel characterize the reporter of the offense as a "squealer", "stool pigeon" or "snitcher".

Some even charge that such reporting is "un-American". They hold that it is contrary to what they allege to be a basic principle of our society, namely, that one doesn't "tattle" on others.

Nonsense exclamation point.

If a school's honor code requires reporting of offenses, such reporting becomes a duty. Those who ostracize the person making the report are the ones who are failing to fulfill their responsibilities as citizens of the school.

True as that is, however, the disturbing evidence is that a large segment of the population, both in and out of college, view the reporter of an honor violation as himself an offender of an unwritten code against informing on others. A survey at Randolph-Macon College last year turned up typical results: More than half the students said they would not report a friend, even though they had signed pledges to do so.

The Bureau of Applied Research at Columbia University reported recently that nearly half of 5,000 students questioned at 99 colleges admitted they had engaged in some form of cheating in college. More than half said they had observed others cheating. Much of this observed cheating obviously is not reported, even in schools with honor codes which require such reporting.

Last Friday, on the eve of the College of William and Mary's celebration of its 272nd anniversary, the student newspaper carried an editorial declaring that "it is common knowledge that many students are cheating" and that "a listing of over

100 frequent cheaters could easily be compiled". If the foregoing is true, and if numerous national surveys are correct there is no reason to believe the situation as to cheating at William and Mary is rudically different from that at some other institutions of higher learning.

An effective honor system must depend first on creation of an atmosphere, supported campus-wide, that honor is vital and that the student who violates the code has forfeited his privilege of college citizenship.

Every student must be required to serve as an enforcer of the code. If the system of reporting offenses to college authorities or to an honor council is effective in a school, fine. If it is not, such a school might well consider the system used at the University of Virginia and in some other institutions wherein a student who observes a violation goes first to the violator and gives him the opportunity to leave school. If the suspected violator maintains he is innocent, the matter then goes to trial before the honor committee. Many students may be willing to approach a violator, whereas they would be reluctant to go first to others, without giving an offender the opportunity to state his side of the case, or to withdraw quietly from school.

But if the honor code of a particular institution does require reporting to a third party, the student fulfills such an obligation is no "squealer". He is a good citizen who merits the thanks and respect of his fellows.

THE END

LESSON PLAN

PROFESSIONAL LECTURE ON TOLERATION

1. SYLLABUS DESCRIPTION

a. Purpose. To increase the Basic Cadets' understanding of the toleration clause of the Honor Code and to realize that other professions have similar provisions in their ethical codes.

b. Desired Learning Outcomes. The Basic Cadet will:

(1) Learn that the Academy Honor Code is not the only code which imposes an obligation to not tolerate the unethical conduct of others.

(2) Understand the logic of the non-toleration concept.

2. METHOD OF PRESENTATION

This lesson will be a lecture in Arnold Hall given by one or two civilian members of other professions such as medicine and law. Their presentation should center around the concept that in their professions they are expected to feel responsible for the conduct of their fellow professionals.

LYING, CHEATING, QUIBBLING

1. SYLLABUS DESCRIPTION

a. Purpose. To review the importance of completely true statements and not taking unfair advantage of others, and to allow free and complete discussion of instances and situations of application of these concepts.

b. Desired Learning Outcomes. The Basic Cadet will:

(1) Discuss the importance of completely true statements; every answer to every question must be completely truthful regardless of the temptation to alter the truth in one's favor.

(2) Discuss quibbling and why it constitutes a breach of honor.

(3) Understand the meaning of cheating and how it involves taking unfair advantage of others.

2. INTRODUCTION AND MOTIVATION

Men's lives depend on the veracity of military personnel; no half-truths, much less dishonest statements, can be tolerated. We, as future officers, must understand this and prepare to live by it, as the security and lives of other men will depend on it. "The civilian student is cheating himself and the family that pays his way. But if an officer candidate cheats, and carries on with this habit, the consequences could be catastrophic."

3. MAIN POINTS OF PRESENTATION

a. Lying.

(1) Because of the strength of the Code at the Academy, other cadets, staff, and faculty accept a cadet's word as truth, at all times.

(2) More Fourth Classmen leave the Academy for lying than any other offense. In most cases, these violations of the Code stem from some minor act or omission of an act which carries with it a minor punishment. That is, many such lies are prompted by a desire to avoid a few demerits, or a mere verbal reprimand. When compared to losing one's self-respect or possible career, a few demerits is an insignificant price to pay. No punishment could be worse than resigning from the Academy because of a violation of the Cadet Honor Code.

b. Quibbling.

(1) Quibbling is defined as "any statement based on evasion or rationalization of the truth". More fully, it is the intentional telling of a half-truth which knowingly creates a wrong impression. Insure complete understanding of these definitions.

(2) Explain that quibbling is an intentional misleading statement or answer designed to evade or conceal. Consider the impression that will be conveyed to readers or questioners. One must always act upon what he knows to be the intent of a question or order. Basic Cadets are encouraged to bring up for discussion any situations they may have questions about. The instructor should insure that the following specific items are covered:

(a) ID Card. Using a false, incorrect, or altered ID card or using another's ID card is obviously not in keeping with the concepts of the Honor Code. When a cadet presents his ID, his actions are a statement that, "this is my identification".

(b) Practical Jokes. Practical jokes are an inevitable if not invaluable part of cadet life. However, a sense of appropriateness to the situation is directed. The truth should be straightened out within a reasonable amount of time.

(c) Exaggeration. A frequent problem is that of exaggeration. The cadet should be aware of the context in which his statements are made, and realize the effects of "stretching the truth".

c. Cheating.

(1) Few academic institutions put as much faith in individual honesty and integrity as the Air Force Academy does. The resulting atmosphere grants cadets classroom freedom never before experienced. The high ethical standards here are all made possible by the enthusiastic belief in and acceptance of the Cadet Honor Code.

(2) Cheating strikes at the very basis of our Honor Code. However, more upperclass cadets leave the Academy for cheating than for any other act. Cadets are therefore encouraged to avoid what might be tempting situations by not gazing around the room, or staring "off into space" across your neighbor's desk while taking a test. These bad habits may lead to trouble. Develop good habits and the proper attitudes now! If you know of someone with these habits, let your honor representative know so he may talk to the man.

(3) Themes: A cadet may have another person type a theme for him. However, the typist may not make any spelling or grammatical corrections. Various academic departments do allow proofreading by another person. A cadet should

always check first with that particular department to find out exactly what is allowed. One cannot reuse a theme written for another course without specific department permission.

(4) Laboratory Reports: In many courses, cadets must prepare laboratory reports. They should know the guidelines under which these reports are to be done. Because different academic departments have different policies, the cadet should make an effort to be well-informed on what work must be his own and what help he may receive.

(5) Inadvertently Acquired Information: The proper course of action if one should inadvertently acquire some information concerning an upcoming quiz or Graded Review is always to first speak to the instructor. Any acquired information obtained during a graded recitation by accidentally seeing another's work which would in any way influence your own answer to this question should also be reported to the instructor. Usually, any questions answered as a result of acquired information will merely not be considered in grading the paper. Therefore, one should always ask the instructor how to treat the inadvertently acquired information.

(6) It is extremely important that cadets do not discuss graded material in places where cadets who may yet be graded on the work may hear. This places one's fellow cadets in a difficult position.

4. SUMMARY

a. Reiterate the relationship lying has to quibbling. Emphasize the importance of completely true verbal and written statements. No possible punishment for a violation of a regulation, policy, or custom is worse than the loss of personal honor and self-respect because of an honor violation.

b. In order to avoid obtaining an unfair advantage over another cadet, cadets must always report to the instructor any advantages inadvertently acquired.

5. EVALUATION

The major part of this lesson period is to be spent in free discussion. Basic Cadets are encouraged to bring any subject or particular situation up that may be in question in their minds. It is recommended that example cases be read concerning the particular topic to give the Basic Cadets a feel for the main points of the lesson.

STEALING AND TOLERATING

1. SYLLABUS DESCRIPTION

a. Purpose.

(1) To clarify what constitutes stealing, how borrowing is related to stealing, and to review the need for the toleration clause.

(2) To allow discussion on all aspects of stealing and toleration.

b. Desired Learning Outcomes. The Basic Cadet will:

(1) Understand exactly what constitutes stealing.

(2) Understand the guidelines for borrowing.

(3) Know that stealing does occur in spite of the Code.

(4) Reinforce understanding of the toleration clause.

(5) Eliminate as many points of confusion on stealing and toleration as possible through question/answer and discussion.

2. REFERENCES

Read the attachments to this lesson plan.

3. MAIN POINTS OF PRESENTATION

a. Stealing.

(1) Depriving a person of his property either by intentionally taking it or destroying it.

(2) It goes without saying that stealing cannot be tolerated in any situation, but this is especially true in an organization such as the Academy or the Air Force where people live so close together.

(3) Because of the open nature of the cadet dorms and the closeness between friends and classmates, borrowing is a common feature of life at the Academy. At

times, however, borrowing can cause confusion with stealing. Borrowing requires:

(a) Specific permission, i.e., asking a person who is present for permission to borrow an article.

(b) Implied permission. The borrower should fully believe that if the loaner were present, permission would be given. As a courtesy to the lender, a note should be left indicating what was borrowed. Consider this: If the owner discovered you with his property and you had no specific permission, would you be able to justify your taking it as borrowing?

(4) Briefly review the following problem areas.

(a) Handling of Forms 10. They are government property. See Lesson HC-4.

(b) With respect to found articles, a reasonable effort should be made to return the item. No one expects a lost pencil, penny, nickel, or dime to be returned, but how about a quarter or half dollar, or an expensive pen? Use reasonable judgment in determining the value of a lost object to its owner.

(5) Emphasize that, of the four areas of the Honor Code, stealing is the most cut and dried. There are relatively few problems of interpretation with it and few cadet cases of stealing are reported. However, stealing does occur at the Academy to such an extent that cadets are issued keys to their rooms and admonished to watch for strangers in the halls. Unfortunately, there are numerous people who work at the Academy and a very small number of cadets who do not feel bound by the Honor Code or common rules of human decency. It is important that each cadet guard his personal property against these individuals and question any and all strangers in dorms as to their authority to be there.

b. Toleration.

(1) The Honor Code is a simple system in theory, but in reality it can be a tough system. At times it can demand real courage by each and every cadet. And the toughest part of all is the toleration clause. It is easy to say that the Code transcends personal friendships, but it may seem extremely hard to make this work, especially if you suspect your best friend has violated our Honor Code. Yet, it must be done. The toleration clause grows out of the fact that we have an "honor" code. The system is defined as being based on honor, with no outside checks on the system whatsoever. If the system is going to work at all, it must be policed from within. Those cadets who live under the Code are the ones who must make it work -- who must make the Code a system which provides a means to graduate officers with an

uncommonly high sense of honor and personal integrity.

(2) As a member of the Cadet Wing, responsible to his classmates and to the organization to which he belongs, each cadet is a guardian of the Honor Code. Everyone is dedicated to his friends, but in our situation we are dedicated to 4,000 others as well. By tolerating the dishonest acts of a few friends, you may be keeping those friends happy, but you are letting down the vast majority of 4,000 cadets who were counting on your honesty and integrity. In a very real sense, you are letting down the American people too, as they have a considerable interest in the standard of honor at the Academy. For proof of this, you need only think of the public reaction following any honor scandal at an academy.

(3) A cadet is bound to report anything which he believes is an honor violation. If he confronts the suspected violator and still has reasonable doubts, he must report the incident to an honor representative or make sure the suspected violator does so.

(4) Explain the procedures for reporting a suspected honor violation.

4. SUMMARY

a. Insure that the Basic Cadet realizes the relationship between stealing and borrowing.

b. Repeat that the Code works because honorable cadets will not tolerate dishonest practices and appreciate the value of the Code.

1 Atch
Ltr, AU (SCCU-CS), Undtd, Professional
Integrity w/1 Atch

C O P Y

DEPARTMENT OF THE AIR FORCE
SQUADRON OFFICER SCHOOL (AU)
MAXWELL AIR FORCE BASE, ALABAMA 36112

REPLY TO
ATTN OF: SCCU-CS

SUBJECT: Professional Integrity

TO: Students
Squadron Officer School

1. Although the solution of the problems of the space age will require initiative and creative thought, we can still learn many lessons from the past. One of the most rewarding facets of the military profession is its rich heritage of tradition. To me, however, nothing can be more paramount than maintaining the legacy of integrity in our profession which has been handed down by those who have gone before us.

2. The attached article highlights this requirement for professional integrity which I feel should be a permanent part of each officer's personal and total involvement in his profession. You are building today the Air Force of tomorrow and cannot afford to neglect personal integrity in the officer corps. Honor among military officers is not a bonus, dividend, or luxury; it is an absolute necessity.

3. I recommend that you keep this paper for future reference, but more important, that you discuss these ideas and concepts with your contemporaries.

/SIGNED/

JOHN H. BUCKNER, Colonel, USAF
Commandant

1 Atch
Handout "Integrity"

INTEGRITY -- THE KEYSTONE OF PROFESSIONAL CONDUCT

by

Dean Alfred C. Ingersoll
School of Engineering
University of Southern California

While the dean of a professional school must concern himself with all aspects of the educational program, undergraduate and graduate, most of this concern is fairly remote and delegated through appropriate faculty committees. One area where he dare not sidestep direct responsibility, however, is in the building of a keen sense of personal integrity in every single student of his school.

Why should a dean be so much concerned with the integrity of the students? That is, why should he be any more concerned than the rest of the faculty? Every faculty member is of course concerned with the integrity of his students, but he does not stand to succeed or fail on the measure of professional conduct of his students as directly as does the dean.

Why should this be so? It is simply because each faculty member has his own reputation, based upon his integrity and professional conduct, his engineering work, his teaching and his research and publications. In the case of the dean, however, his reputation, while resting to some extent on all of the foregoing, is still largely the reputation of the school, and the reputation of the school depends on nothing so much as it depends on the professional conduct of its graduates.

In the foreword to the Canons of Ethics for Engineers, as developed by the Engineers' Council for Professional Development, the matter is put succinctly:

> "As the keystone of professional conduct is integrity, the engineer will discharge his duties with fidelity to the public, his employers and clients, and with fairness and impartiality to all."

The rest of the Canons of Ethics, as the reader well knows, goes on to delineate the relations of the professional engineer with the public, with clients and employers, and with other engineers.

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But let us linger on the concept of integrity. The word comes from the same root as the word, integer, and it means primarily a state of wholeness, unmarred from an original pure state. From this is derived the concept of moral soundness or honesty, which is the context in which it is used in the Canons of Ethics.

An irreproachable standard of professional conduct, which I hold to be the unassailable foundation essential for every professional engineer, is hard to imagine in a graduate engineer who has not lived by these same standards while a student in engineering school.

And that is why the dean of an engineering school feels a deep personal interest in building and strengthening integrity in his students. It is no more complicated than that.

Let me hasten to note here that this article is not occasioned by any cheating scandal at USC -- thank heaven -- or by any special feeling of need on my part for such a sermon to be unleashed on USC engineering students. We are seeing all about us, however, articles and letters on this subject appearing in the public press, following the recent serious scandal at the Air Force Academy.

Twice in a single generation have we seen a major cheating scandal brought to light in one of our military academies. Each instance has called forth the most rigorous investigations of which the military is capable. Why should the professional military establishment be so concerned with a little cheating from time to time?

This concern and the exhaustive investigations are based precisely on the fact that there is no such thing as "a little cheating". We spend a good deal of time in teaching engineering to point out that there are many solutions to a given problem, each one correct in certain lights. Both sides of a controversy involving engineering decisions, for example, reveal that such a case is seldom black or white, and the student is accustomed to thinking in terms of grey areas, depending on whose point of view one has.

In the matter of personal integrity, however, there is simply no middle ground. You either have it and live it every day, or you have nothing. Like a coin, it is good and commands full value, or it is counterfeit and worthless.

In the military profession, each person is part of a team. The lives of all of the other members, as well as the success of the mission as a whole, rest practically independently on the shoulders of each member. This is of course especially applicable to military officers, commissioned with making independent decisions and directing the activities of others, and while it is so evidently true during wartime, it is equally important during peacetime. The 317 generals of the U.S. Air Force, for example, are responsible for the proper and efficient spending of some $49 billion of our national budget, practically one tenth of our Gross National Product! This amounts to more than $150 million per general, on the average, roughly four times the total annual budget of the University of Southern California... and it is our tax money, yours and mine.

How unthinkable it is that any link in that chain, or any part of the chains of command leading up to those generals, have any weak spots on the point of personal integrity! The Air Force and all of the other professional military establishments must therefore exercise every imaginable care to see that this sense of integrity and honor is instilled in all personnel from the moment they first think about a military career, and hopefully from the moment they first learn to think for themselves.

We have only to look at other parts of the world, in the present day as well as throughout history, to see what havoc has been wrought through the decay of personal integrity. The fall of the Roman Empire is but a flaming example from antiquity. The most serious problem facing many of the poorer nations today is the lack of a public integrity and acceptance of an income tax structure.

Much of the argument appearing in the press about the Air Force Academy, and in recent years about West Point,relates to the Honor Code which requires a cadet who observes a breach of the regulations to report the offender, though it may be another cadet he thought to be his best friend. Parents of some of the cadets who have resigned have been particularly bitter because their sons, while not personally involved, have been caught up in the cheating scandal through this indirect involvement in the Honor Code. As representatives and graduates of the academies have so often explained, the very existence of an Honor Code must imply total involvement, on the part of everyone, cadets, instructors and administration. The workman who is forging a chain on which his life is going to depend is naturally going to see that his own work is as good as it possibly can be, and he is simply out of his mind if he does not report a weak link that he sees in some other part of the chain.

Now, if all can agree that personal integrity is so essential in the military, is it any less essential in the practice of a profession, such as engineering, where we pledge "to place service before profit, the honor and standing of the profession before personal advantages, and the public welfare above all other considerations". Of course not!

Sometimes we say to a student who is reluctant to report a breach of regulations involving another student, "Think of yourself first, and how much others are interested in you and in your reaching success in your life goals. Your 'friend', whom you feel bound to protect ... how much does he care about you, whether you succeed or fail in your life's ambition? Now consider your School ... how much do we care about whether you succeed or not? We care everything, that's how much. Why? Because your success, your reputation, multiplied over and over by how many there are of you, become *our* success and *our* reputation." And one blemish on a reputation can, in the nature of one bad apple in a barrel, outweigh a thousand faultless contributions to that reputation.

I hope I may be forgiven for putting so much emphasis on student integrity as a means of promoting the reputation of the USC School of Engineering. It should go without saying that we all feel a personal commitment to integrity as the very foundation of any honorable human endeavor, quite aside from what it may do to enhance our station in life. And I assume we can all agree that engineering is among the most honorable of human endeavors.

ADMINISTRATION AND MECHANICS OF THE HONOR CODE

1. SYLLABUS DESCRIPTION

a. Purpose. To give the Basic Cadet a greater understanding of the organization and function of the Honor Committee and the procedure for processing breaches of the Honor Code. This lesson should also bring emphasis to the fact that the Honor Code belongs to the Cadet Wing, not to the Honor Committee.

b. Desired Learning Outcomes. The Basic Cadet will be able to answer the following questions:

(1) Who is an honor representative?

(2) How is an honor violation reported?

(3) How is an investigation conducted?

(4) How is a hearing conducted?

(5) What happens if a cadet, who is found guilty, does not elect to resign?

2. REFERENCES

Pages 23 through 25 of Part 1.

3. INTRODUCTION AND MOTIVATION

The Honor Code was instituted and is administered by the cadets of the Wing. This does not mean that the Code can be voted out at any time by the Wing. The only aspect of the Code that could be voted out by cadets is - cadet administration of the Code. A high standard of integrity is an established portion of the U. S. Air Force that is recognized in Air Force regulations. Cadets are required by AFR 53-3 to maintain exemplary standards of conduct, character, and integrity as are all officers. These very standards are best embodied in the Code and there is much to be gained by cadet administration of the Honor Code. Under this system cadets possess a maximum amount of control over the daily operation of the Code and get vital training in relating integrity to their own daily existence. The maintenance of such a standard as our Honor Code requires the common assent and support of the entire Wing and any transgressors are expected to resign.

4. MAIN POINTS OF PRESENTATION

a. Who is an honor representative?

(1) One first classman and one second classman in each permanent squadron, each is selected by his classmates during his third class year. In addition, one third classman and one fourth classman in each squadron will be selected to act in a liaison capacity for their respective classes.

(2) Responsibilities of an honor representative:

(a) First Class Honor Representative: (1) Gives honor instruction to his squadron; (2) Investigates possible breaches of the Honor Code; (3) Serves as a voting member on honor boards; and (4) Represents the Wing's ideals of honor within his squadron.

(b) Second Class Honor Representative: (1) Assists in instruction and investigation; (2) Serves as the recorder for honor boards; and (3) Prepares briefs of guilty verdicts to be presented to the Wing.

(c) Primary concern is with developing a sense of honor within the Cadet Wing, not with catching violators of the Honor Code.

(d) The duties of those third and fourth classmen acting in the liaison capacity will be: (1) To attend as many honor hearings as possible during the time they hold this position; (2) Work closely with the first and second class honor representatives in their squadrons. Each cadet should hold this liaison position at least once, prior to the election of regular honor representatives in the spring of their third class year.

b. How is an honor violation reported?

(1) Self-reported. Violator reports to his squadron honor representative.

(2) Reported by another cadet. Cadet talks first with suspected cadet; if not satisfied, he reports to his honor representative.

(3) An AOC reports the incident to the Executive for Honor and Ethics or to his squadron honor representative.

(4) A member of the faculty reports the incident to his honor liaison officer or to department head who then reports the incident to the department's liaison honor representative.

c. How is an investigation conducted?

(1) The incident is reported to the honor representative.

(2) The accused is briefed concerning the allegations against him and then asked to prepare and sign a written statement explaining all that he knows of the suspected violation. At this time, the accused and all witnesses will be questioned about specific details of the suspected violation.

(3) If it is deemed necessary by the squadron honor representative, a formal investigation will then be conducted. The formal investigating committee will generally be composed of the following members.

(a) The group honor representative.

(b) The first and second class honor representatives of the squadron involved.

(c) The first class Ethics Representative of the squadron involved.

(d) Either the appropriate department honor liaison cadet or another first class honor representative from a squadron in the group.

(4) The formal investigating committee will review all previous evidence and further investigate the suspected violation. It will then be decided if the case should be dropped or taken to an honor hearing.

d. How is a hearing conducted?

(1) Eight first class honor representatives are selected to hear the case. The accused may request that any of the eight be replaced by another honor representative if he feels that any member of the board cannot render a fair decision in his case.

(2) The accused and any appropriate witnesses are brought before the Honor Committee. The accused is advised of the board's agenda and procedures. The accused and witnesses hear each other testify.

(3) After hearing the facts of the case, the voting representatives discuss the facts of the case and then vote by secret ballot on the accused's guilt or innocence. The deliberations will be open to all cadets except in the following cases.

(a) If the accused requests that the hearing be closed. If this is the case, then not only deliberations will be closed to only honor representatives but also the hearing of evidence.

(b) If it is felt by a member of the board, or by the chairman of the board, that undue pressure is being placed on the board by the audience, then the deliberations will be continued in closed session.

(4) Any member of the audience may participate in deliberations. In order to insure orderly proceedings, any desired comments must be written and signed by the cadet who wishes them to be considered by the Honor Board. They should then be given to an honor representative who will give them to the chairman of the Honor Board for consideration.

(5) A guilty decision requires a vote of 8 - 0 guilty.

(6) If a guilty decision is reached, the board may, in very special cases, consider discretion. There are four general guidelines which the honor representatives consider:

(a) The class of the cadet and his experience with the Code.

(b) Was the case self-reported?

(c) Was there some type of unusual pressure involved in the incident?

(d) And most importantly, has the cadet truly learned the personal value of honor and resolved to live honorably in the future?

Discretion is not the rule, but rather the exception. For discretion to be requested, at least six of the eight voting members must strongly feel that the cadet has not only reassessed the importance of personal integrity, but that his total character and attitude demonstrate capability and resolution to live according to his newly found convictions.

(7) From its findings the Board recommends either reinstatement of the cadet in the event of a not guilty or guilty-discretion case or dismissal in the event of a guilty decision. All decisions require the approval of the Commandant of Cadets for finalization.

e. What happens if a cadet who is found guilty of an honor violation does not choose to resign?

(1) The Superintendent appoints an officer to conduct an independent

investigation.

(2) From the available information of the independent investigation the Superintendent may select one of the following courses of action:

(a) Officer Board - investigate facts and make recommendations.

(b) Court-martial.

(3) The cadet may elect to take a polygraph test and submit the results as new evidence for reconsideration of his case.

(4) The Honor Committee, in the light of new evidence, may reconsider any decision.

f. During the course of the first semester, all fourth classmen will be required to attend at least one honor hearing. In this way, each fourth classman may achieve a deeper appreciation for the administration of the Honor Code. Your squadron honor representative will inform you when and where each honor hearing will be conducted.

LESSON PLAN

HC-13

PERSONAL INTERVIEW

1. SYLLABUS DESCRIPTION

a. Purpose. To insure that the Basic Cadets have a sound understanding of the fundamentals of the Honor Code through informal discussions with an upperclassman.

b. Desired Learning Outcomes. The Basic Cadet will:

(1) Understand the meaning of the four points of the Code and have a feel for how these points are applied daily.

(2) Develop a personal sense of the true "spirit" of the Code and its full objective and purpose, so that his conscience will be his guide in lieu of technically interpreted rules and past decisions on previous honor cases.

(3) Realize that the Code belongs to the Wing and that as a member of the Wing he will be expected to uphold the spirit of the Code as well as live up to its standards.

2. MAIN POINTS OF PRESENTATION

a. Informal Interviews.

(1) The element leaders should endeavor to uncover areas of poor understanding and confusion about the Code both by observation of and informal discussion with the cadets in their elements while in the field.

(2) They should attempt to clear up any misunderstanding about the Code or bring them to the attention of the honor representatives assigned to Training Squadron.

(3) In either event the honor representatives assigned to Training Squadron should be kept informed of any problem areas so that they may be covered in future instruction.

(4) During the period of the Second Detail training in Jack's Valley and in the Cadet Area, the element leaders should informally question their basic cadets concerning any misgivings which they may have concerning the Code. If their questions cannot be satisfactorily handled, they should be placed in contact with the squadron honor representatives assigned to Training Squadron.

b. Attitudes.

(1) These informal confrontations should be conducted to give the basic cadets an opportunity to discuss both privately and confidentially with an upperclassman any questions or misgivings which they may have about the Code. The basic cadets are encouraged to take advantage of this opportunity to discuss any points which they were unwilling or unable to discuss during one of the regular instructional periods, and both element leader and basic cadet should take time to prepare for it.

(2) Each basic cadet accepts the Honor Code when he is integrated into the Wing. They must now live under it. How they choose to do so will be greatly determined during their basic summer. All upperclass cadets should, therefore, attempt to convey by their actions and through their informal contacts with the new class in the field that the Honor Code belongs to the Wing, and that it is the responsibility of every member of the Wing to uphold a workable and effective Honor Code. The emphasis must be placed on the spirit of the Code in order to form the foundation of a good attitude toward the Code in the basic cadets.

LESSON PLAN

HC-14

PRIVILEGES, STATUS CARDS, AND SIGNATURES

1. SYLLABUS DESCRIPTION

a. Purpose. To explain to the Basic Cadet how their honor is involved in the taking of privileges, and in the use of the status card and their signatures.

b. Desired Learning Outcomes. The Basic Cadet will:

(1) Understand the significance of signing out on various privileges and the application of limits to privileges.

(2) Understand the use of the status card.

(3) Understand the significance of the signing of initials or signatures.

2. REFERENCE

Read pages 8 through 11 in Part 1, and AFCR 35-8.

3. INTRODUCTION AND MOTIVATION

Privileges are just what the term implies. They are not something which are "owed" to each cadet, but are granted to him on the basis of his rank, past performance, etc. Because the Commandant accepts the cadets as men with high standards of honor, he is able to grant privileges to them on the basis of his trust in their word or signature. Otherwise, it would be necessary to require numerous cumbersome and time consuming administrative and supervisory procedures to assure that the privileges are not misused. It is also true that more privileges can be granted on this basis of trust than could be if other administrative controls were required instead. Therefore, each cadet must always realize that in order to take a privilege there are certain requirements that he is expected to meet.

4. MAIN POINTS OF PRESENTATION

a. When you sign out on a privilege, you are promising to abide by certain limitations. If you violate a promise, you are honor bound to report yourself.

(1) When you sign out on a weekend pass request, your signature indicates that you are eligible for the pass and that you are not serving any punishments which would prevent you from taking one.

(2) When you sign out on an OCP or a weekend pass, you are saying that you have gotten the permission of your AOC or your Squadron Commander. You are also stating that you have not used up your quota of ODP's or of weekends and that you are not on any type of punishments or restriction that would prevent you from taking the privilege.

(3) When you sign out on a Visiting Permit you are saying that you are going to visit with a commissioned officer, warrant officer, master sergeant, or coach assigned to USAFA. You are also stating that you will remain with your host at all times except in transit. If someone other than your host is taking you to or from the host, you must go and come by the most direct route without significant avoidable delay.

(4) When you sign out on a Special Permit you are saying that you have gotten the permission of your AOC to perform the function that you wish to complete and that you will go directly to the place where this function is to be performed, complete the function, and return directly.

(5) When you sign out on a Business Permit you are saying that you have your AOC's permission to take the privilege and that you will go directly to the place of business, conduct your business, and come directly back.

(6) When you sign out on a Chapel Permit you are stating that you will go to chapel and attend the entire service. If you go to chapel off base, you will proceed directly to the church and come directly back.

(7) Emphasize that when you sign out on any kind of privilege you are in effect stating that you intend to abide with the limitations and restrictions of that privilege as specified in AFCR 35-8. Also point out that this includes the various mileage limitations imposed on each privilege and such Command Post announcements as ... "All privileges to Denver are cancelled" or "No cadets may sign out for privileges west of Denver because of hazardous road conditions".

(8) By describing the various privileges and what the signature means when you sign out, we are not trying to encourage the violation of regulations by showing what is honor but emphasizing the difference between violation of a regulation and breaking your word by violating your signature.

b. The status card is not a bother, it is a convenience. When you mark your card, it states that you will remain within the cadet limits that apply during the period of absence. That precludes later questioning by the chain of command concerning your absence, or other measures of control. Since your card is speaking for you, if you mark your card with intent to deceive, you have committed an honor violation.

(1) When you are going to be absent from your room during Evening Call-to-Quarters, you should mark your card. Otherwise, you will be reported for "absent from room - card unmarked", which will require an explanation from you. The status card has no meaning during Night Call-to-Quarters. (Explain the difference between Evening and Night Call-to-Quarters). Reference AFCR 35-9 (4 Apr 72).

(2) During Evening Call-to-Quarters, the cadet area is the authorized limits. The cadet area consists of the dormitories, the Computer Science facilities in Fairchild Hall and the library. On the weekends, the cadet limits are extended to encompass the entire Academy area.

(3) You should not mark another man's card unless he asks you to do so.

(4) If you violate your card, you are honor bound to report yourself. It is telling the DI, the Squadron Commander, Security Flight, or anyone who happens by that you are in an authorized place. For that reason, if you violate your card you cannot use the excuse that the DI has not taken an inspection to get out of reporting yourself. There is always a possibility that one of the many people authorized to inspect your card has looked at it while you were gone. When you mark your card, you are making the statement that you will remain within specific cadet limits during your absence, and any violation of that statement must be corrected whether or not anyone has looked at your card. If you ever have a question in this area, ask your honor representative and let him help you clarify it!

(5) Cover those portions of the regulation which are not under honor. For example, if you go to another cadet's room for visiting purposes during Academic Evening Call-to-Quarters with your card marked, you have violated regulations, but you have not violated your card since it states only that you are within the dormitory area as defined in the applicable cadet regulation.

c. Signature.

(1) Printing your name or initials is the same as signing. This is not unique to the Honor Code, for it applies under law as well. Having someone else sign for you is binding on you as if you had signed yourself.

(2) Initialing a sign-up list to indicate accomplishment of some action indicates that the action has been completed as specified and not that you intend to complete it.

(3) Any intentionally made mark that could be interpreted as your initials will be accepted as your initials and you will be held accountable. Remember that trying to disguise or otherwise misrepresent your initials can be an attempt to deceive.

5. SUMMARY

Solicit questions on privileges, status cards, and signatures.

LESSON PLAN

HC-15

PRE-ACADEMIC YEAR REVIEW

1. SYLLABUS DESCRIPTION

a. Purpose. To acquaint the Basic Cadet with his permanent Squadron Honor Representative, to review the "All Right" for lost articles, to review the use of the Status Card, to relate the Honor Code to the academic program, and to explain AFA forms the cadets will see and use.

b. Desired Learning Outcomes. The Basic Cadet will:

(1) Understand the "All Right" for lost articles.

(2) Recognize the freedom and obligation in the classroom due to the Honor Code.

(3) Know the procedures for taking and grading examinations.

(4) Know the procedures for writing graded themes and reports.

(5) Understand the requirement to properly date food packages.

(6) Recognize the need for accurately filling out logs, forms, or reports.

(7) Understand what the status card means.

2. TRAINING AIDS

Form 3, Form 18, Form 490, Form 27, Form 0-60, Form 103, Form 19, Unmarried Certificate.

3. REFERENCES

Review pages 6 through 17 in Part 1.

4. MAIN POINTS OF PRESENTATION

a. The "All Right" for lost articles is a report by a cadet that he has accomplished certain requirements.

(1) These include searching personal belongings for the article and knowing what the article is. If you have the article, you must turn it in.

(2) Each cadet is also obligated to turn in incidentally found items.

b. Academic Procedures.

(1) Discussing tests and passing information.

(a) If a cadet is preparing for a test, he may receive extra instruction or tutoring from his fellow cadets. If the tutor has just attended class and has taken the test, he cannot pass on any information which was on the test. He may tutor another cadet on general subject matter only in reference to specific questions; he may not disclose the questions on the test. Any homework to be handed in for a grade must be done entirely without outside help, except in the case of certain labs where department policy specifically allows lab partners to work together. If anyone does receive advanced information about a test, he should report this to his instructor and let the instructor decide if an unfair advantage has accrued to the cadet.

(b) If a test or quiz is given, the only information that can be relayed is whether or not a quiz was given. You cannot say whether it was hard or easy, short or long, in this area or that, or given early or late in the period. You should not talk about a quiz or a GR that you have taken until after classes on the last day it is given. If someone overhears you and then realizes during a test that he has heard test information, he will be required to report this to his instructor, and will probably have to take a makeup test.

(2) Quiz and Graded Review Procedures.

(a) The instructor will generally hand out GR's and quizzes face down. When everyone has a paper he will tell you to begin work and write the "cease work" time on the blackboard. Then he will often leave the room. Whether or not the instructor returns in time to verbally order you to cease work, you must put your pencils down when the clock shows the time written on the board. If you do not stop at the time indicated, then you have cheated. Occasionally the instructor will give the class permission to finish the sentence they are writing, but you must never assume this permission yourself. Stop work at the designated time and then ask for permission to finish your sentence.

(b) Some departments have minor differences in procedures. It is your responsibility to read the department policy letter pertaining to classroom and test procedures.

(c) If you accidentally see or hear another's answer during a quiz, you must report this incident to your instructor, and you may not use the information so gained on the quiz or GR.

(3) Theme and Report Procedures.

(a) When writing a theme or report, a cadet may not receive any help from anyone unless the instructor specifically authorizes such help. A theme or report must be the work of the cadet and any ideas received from anyone or any printed material must be documented.

(b) If a cadet does not know how a word is spelled, he may ask someone how it is spelled. However, this does not mean that he can have someone proof-read his theme or report for misspelled words.

c. Perishable food packages will be dated with the date the package was received. Not dating a package violates regulations; intentionally putting on the wrong date is a lie.

d. Forms.

(1) CCQ Report: Stress the point about inspection times, noting that the CCQ must report himself for missed or late inspections.

(2) Attendance Reports, Forms 27 and 0-60.

(a) Cadets must be in the classroom or formation at contact time or at assembly. This applies to lectures as well as to classes and formations.

(b) The "late" portion of the Form 27 is not used; anyone late is reported "absent" because the report is considered given as of the formation or contact time. An instructor may excuse a cadet from being late for his own purposes, however, this has no effect on the Form 27 or 0-60.

(c) Contact time is the time read from the clock in the classroom or lecture hall unless it is obviously wrong, in which case the section marcher will use the best available timepiece. The timepiece, not the section marcher, determines if a cadet is reported late.

(d) If you fill out any part of a report incorrectly with intention to deceive, then you have lied.

(3) Held Report: Explain the need for the Form 103; it must present all the facts to the AOC to allow him to award fair punishment for an offense or to remove the punishment if justified.

(a) Paragraph 1: This concerns whether you believe the offense to be correct, or incorrect.

(b) Paragraph 2: All circumstances pertaining to the incident must be stated.

(c) Paragraph 3: This concerns whether or not the offense was intentional and not whether or not you intended to violate regulations.

(d) Never let the temptation to avoid a few demerits cause you to compromise your career and cause the loss of your self-respect. Be honest and straightforward. If you made a mistake be man enough to admit it.

(4) Form 19: Entries in departure logs must be accurate to the nearest minute. Arrival time is the time that you arrived at the log.

(5) Forms 18 and 490, Sick Slips and Dental Slips. The times recorded on these forms are the times you arrived at either Security Flight or your class.

(6) Unmarried Certificates: The cadet who signs this form is certifying that he is not married, never has been married, and voluntarily waives any academic credits gained at the Academy after the date of any past or future marriage.

e. Status Card.

(1) When a cadet's status card is marked, it is his signature (or word) that he is in an authorized place or on an authorized privilege.

(2) The places cadets are authorized during Evening Call-to-Quarters, and on privileges are outlined in AFCR 35-8 and AFCR 35-9.

(3) The status card is not used during nighttime Call-to-Quarters unless a cadet is on special orders, pass or restriction.

5. SUMMARY

Point out that cadets must be scrupulously careful not to gain an unfair advantage over their fellow cadets and that if they gain such an advantage by accident, then they must report it. Ask for questions regarding academic procedures.

Stress that accuracy is vital when you sign a report. One can never be only 99% correct. Ask for questions regarding forms.

Stress the philosophy and positive aspects of the Honor Code. Point out how the Honor Code allows the instructors to trust the cadets. Show that this is done when instructors give cadets take-home quizzes and Graded Reviews, and when instructors leave the room during in-class exams.

LESSON PLAN HC-16

RELATIONSHIP OF THE HONOR CODE AND THE ETHICS PROGRAM

1. SYLLABUS DESCRIPTION

a. Purpose. To impress upon the Basic Cadet the importance of the spirit of integrity during his career, both as a cadet and as an officer in the Air Force.

b. Desired Learning Outcomes. The Basic Cadet will:

(1) Understand a mature perspective on the relationship of the Honor Code and the Cadet Professional Ethics Program.

(2) More fully appreciate the importance attached by the Cadet Wing to their code.

(3) Realize the role that the Honor Code plays in instilling the practice of honorable and ethical conduct in future Air Force officers.

2. INTRODUCTION AND MOTIVATION

This hour is set aside for the Commandant of Cadets to pass on his views about honor and integrity. The Chairman of the Cadet Honor and the Cadet Professional Ethics Committee, or their representatives, will participate in this program.

3. MAIN POINTS OF PRESENTATION

a. Possible subjects to be covered include:

(1) The fact that the Honor Code is administered by the elected representatives of the Cadet Wing. The cadets are the trusted caretakers of the most important part of Academy life.

(2) The need for honor in the military service.

(3) The value of the Honor Code as a step toward an enduring sense of personal and professional honor.

(4) The importance of accepting the Code as a minimum standard and realizing the value of living within the spirit rather than the letter of the Code.

(5) The seriousness of an honor violation on one's record and its consequences in later life.

(6) The legal basis for the Code, and the steps taken to protect the rights of the individual.

(7) The objective is to develop one's integrity, which can be achieved only through constant effort and practice, and through a positive attitude to always do "what is right" rather than being content with a minimum performance.

APPENDIX 9 -

THE CADET PROFESSIONAL ETHICS COMMITTEE

ETHICS INSTRUCTION MANUAL OF THE
AIR FORCE CADET WING · · · JUNE 1971

ETHICS INSTRUCTION MANUAL

Basic Cadet Training

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UNITED STATES AIR FORCE ACADEMY
ETHICS TRAINING
BASIC CADET TRAINING

INSTRUCTOR HANDBOOK
LESSON #1
15 MAY 1971

INTRODUCTION TO ETHICS

PURPOSE: To introduce the Basic Cadet to the role of Ethics in the life of a cadet, to the purpose and scope of Ethics training during Basic Cadet Training, and to the purpose and functions of the Cadet Professional Ethics Committee.

TRAINING AIDS AND EQUIPMENT: Microphone and speaker's rostrum.

REFERENCES: AFCWM 30-2
Ethics In Theory and Practice, Thomas G. Hill, Crowell Company
New York, 1956.

PRESENTATION:

I. Introduction.

It is very important, in becoming a good cadet and a good officer, that one develop a set of ethical standards of conduct, and be willing to live by these standards. It is the objective of this lesson to explain what Ethics is, and how it fits into the life of a cadet. You will also become familiar with the Cadet Professional Ethics Committee and its functions.

II. The Nature of Ethics.

A. A truck loaded with soldiers is speeding around a curve when the driver notices a child playing in his path. To try to turn aside would be to risk the lives of all the soldiers, but not to do so would be to kill the child. What ought the driver to do? Should his action be any different if he is a father and the passengers in his vehicle are the members of his family? A congressman is requested to do a special favor for a person who has contributed substantially to his campaign fund. To refuse might be ungrateful, but to accede might be unfair to others. What, in such circumstances, should a good man do? The questions may be asked: Should a person ever kill or lie or steal? Are truthfulness and kindness always good? Is it ever right to hurt one person in order to help another?

B. All of these situations and questions involve standards of conduct. Throughout history, the efforts of men to live together have forced them to be concerned with social conduct, with problems of right and wrong, justice and injustice. Certain standards of behavior have shown themselves to be necessary in order for a society to survive; general respect for law is an example. If the members of a group make no effort to observe the laws of the group, then the group will fragment into anarchy. Respect for the life and health of others, as long as they do not threaten your life and health, is another example and a concept as old as tribal custom.

C. But the issues involved with human conduct are seldom clear cut. Situations may have several possible courses of action, none of which satisfies all parties to the situations. Even respect for law involves the problem of what to do if a law is felt to be unjust. Plainly, thorough and recurring examination of standards of human conduct is necessary, and this philosophic discipline is called Ethics.

D. The profession of arms is a profession just as the practice of law and medicine. As a profession it has dealt historically with matters as serious as the perpetuation or death of whole societies and nations, let alone individuals. Clearly, the seriousness of the profession requires high standards of conduct on the part of its leaders, and an appreciation by these leaders of military ethics.

E. Let us return to some examples of ethical problems: A military commander is faced with an enemy supply depot which is heavily defended and also in close proximity to a civilian population center. To destroy it would mean the lives of many of his attacking forces, and also many civilian lives. To let it exist would mean that more food and arms would reach enemy troops, and the commander's forces would lose men anyway. What should he do? Or, on a lesser plane, as a commander you hear your men complaining about the lack of food and poor living conditions in combat. You realize that the best is being done with the supplies available, but know that some of the heat of the discontent could be taken off your shoulders simply by blaming your immediate superior. Is it right for you to do this?

officers will provide you with the instruction on how your training here will carry over into actual service life. Throughout your four years, however, the Committee is here for the same reason as the Honor Committee - for your use. It is our task to help you be men of integrity. Use us as often and freely as necessary. Consult us whenever you have a problem, for we are here to help you.

F. Before I leave you with a question to think about, I want to outline for you the next five hours of instruction this summer. Lesson 2 ~~Two~~ is "Ethics, Honor, and Professionalism." It will explain to you the overlap and the differences between the three areas. Lesson X ~~Three~~ deals with the need for you to acquire a sense of duty, and will present and illustrate to you the importance of accomplishing your given mission.

Lessons Four and Five will take place in Jack's Valley during the second half of Basic Cadet Training. For these periods, you will be separated into individual flights for instruction so that the presentations will be more informal, and so that the atmosphere will be better for any questions and discussion you might have. Lesson Four will discuss the proper use of authority, the necessity of respecting authority, and how your Ethics affect you as a commander. Lesson Five will deal with the all-important concept of personal responsibility, and will explain to you why a sense of responsibility is a necessity in military life.

Your sixth lecture this summer will be back in the Cadet Area, and will be on professionalism and its relation to the Code of Conduct of the American fighting man. We will show you why, in times of great stress, the professional is many times better off than his contemporaries.

G. (Ask them if they have any questions.)

H. (Leave then with this question.) If people were to judge the Academy and the Air Force entirely by my personal actions, can I afford to be anything other than an ethical man?

UNITED STATES AIR FORCE ACADEMY
ETHICS TRAINING
BASIC CADET TRAINING

INSTRUCTOR HANDBOOK
LESSON #2
15 MAY 1971

ETHICS, HONOR, AND PROFESSIONALISM

PURPOSE: To further orient the Basic Cadet in the development of a personal code of Ethics by presenting the concept of Honor as a part of Ethics, and by introducing the concept of professionalism and explaining its dependence on an ethical code.

TRAINING AIDS AND EQUIPMENT: Microphone, speaker's rostrum and tape recorder. AFA Tape #125e - General MacArthur's address: "Duty, Honor, and Country."

REFERENCES: Ethics for Today, Harold H. Titus & Morris Keeting, American Book Co., New York, 1966.

Honor Syllabus for Basic Cadet Training.

PRESENTATION:

I. Introduction.

In the first hour, we discussed the nature of ethics and explained the organization and functions of the Cadet Professional Ethics Committee. You can now see that ethical considerations play a greater role in our everyday lives than we often realize. Everything we do, every action we take, reflects on ourselves and, as members of society, may reflect on our organization, and even our country. The objective of this hour is to show how the Cadet Honor Code fits into the ethical standards expected of a cadet and officer, and to introduce to you the concept of professionalism.

II. Ethics and Honor.

A. Ethics is a study of human conduct with the express goal in mind of setting standards, of determining what conduct is good and what is bad. Ethics is concerned with a sense of duty and moral obligation. Ethics attempts to determine what ought to be approved or disapproved, and it undertakes to furnish a standard for distinguishing between a better character and a worse one.

B. With this in mind, you can see that a man's honor, though a fundamental part of his character, is only a part of the ethical framework in which he has chosen to live. In a sense, the Cadet Honor Code provides a minimum standard of conduct below which we will not allow ourselves, as cadets, to live -- and a breach of the Code is punished by separation from the Wing.

.C. But there are other breaches of ethical behavior, less basic and, therefore, more lightly punished, but nonetheless which reflect important aspects of man's character. When given a job, can a man be trusted to see it through to the best of his abilities without continued supervision? When faced with a problem, does he approach it with a positive attitude, one that will motivate the people around him? Does he possess a loyalty to his superiors, to his subordinates, to his ideals? Is he capable of disciplining himself so that he can perform well even those tasks which do not particularly interest or attract him? Does he care -- about his appearance, his performance, his country, his fellow man? Does he listen, reason, and then act with conviction? The list of questions is endless, but the point is that a man's honesty -- just as is his loyalty, his reliability, his dedication, his consideration of others, etc. -- is only a part of his Ethics.

D. It is also important to note that the Cadet Honor Code is not particularly unique in the standard it sets. Every society blessed with an interest in law punishes lying, stealing, and cheating, though the offenses are often given more technical names as perjury, larceny, and intent to defraud. Even the toleration clause has its counterpart in our civilian life; a citizen who witnesses a crime and does not report it, is considered an accessory to the fact and is liable to the same punishment as if he committed the crime himself. What sets the Honor Code apart, what makes living under it the experience it is, is the respect with which the Wing holds the Code. This respect is shown simply in the fact that the Wing is willing to police the Code itself, without reliance on any external police force, ~~or small internal group~~. Each cadet has accepted the Code, indicating that he is vitally concerned with the value of living as an honorable man, and that he is unwilling to live with a cadet who is not honorable.

E. The personal acceptance of the Honor Code by each cadet reflects the personal nature of any ethical standard or value. During your years here, you will be exposed to many standards of individual behavior, to both good examples and bad, to concepts which are almost universally accepted, and to concepts which are highly debated. You, as individuals, are expected to observe, judge, and establish a personal code of Ethics, and then to have the integrity to live by that code. The Honor Code is the basis for your own ethical development and, though no longer sworn to the Code when you graduate, it is the foundation stone for your actions the rest of your life.

III. Ethics and Professionalism.

A. As our society has become more complex and impersonal, traditional ethical codes have been augmented by codes of professional ethics. These have arisen largely because men are now more interdependent (~~to get along now we need plumbers, electricians, mechanics, etc.)~~ and specialized; most people tend to identify primarily with one activity and to view all human experience from this limited standpoint. As knowledge has become more specialized, skills higher, and public knowledge about professions less, the need for high standards of conduct has become greater and greater. This is particularly true of the military, which commands such awesome weapons and exerts such influence in contemporary life.

B. Before discussing "professionalism" and the ethical codes which define it and give it cohesiveness, however, we should first examine what makes a line of work a profession. One clue would come in looking at the essential function of the activity involved. Many professions have gained their reputation because their essential function involves something which men value very highly. The medical and legal professions, for example, are held in high regard because we value life, itself. The prestige which doctors in our society enjoy is not given them because they have high incomes and are active in community affairs. Rather, they have earned that prestige because their essential function is to save and preserve lives.

C. In addition to the general attribute of public respect and prestige, we can list a few specific aspects of a profession:

1. A profession requires special preparation or training and, generally, the ability to apply this training in a practical and helpful fashion. The time

for training varies (e.g., training for medicine or training for management positions) and the training may be more or less clearly defined (e.g., training for the law vs. training for the ministry in some denominations).

2. A profession has clearly defined and relatively permanent memberships. Amateurs and quacks are excluded, and members are usually required to be licensed in some manner.

3. A profession accepts the service motive as distinct from the moneymaking motive. No one denies that a member of a profession should earn money and maintain a reasonable standard of living. But, it is generally considered that professions have a duty to the public and should, above all personal considerations of their members, fulfill this duty by public service. Further, the quality of this service rendered should never be dependent on the amount of remuneration received. Examples of this are the professor who made his discovery of insulin available to the public, rather than retaining the rights to the drug and becoming rich, and the military pilot who could earn a larger salary with fewer personal sacrifices if he chose to return to civilian life.

D. We have noted that professions are usually governed by a code of behavior adapted to the particular profession, and that these codes are usually more demanding in ethical values than that set by the general public conscience. Some of the functions of professional codes of ethics are as follows:

1. They are important means of social control. Old members of the group are continuously guided by the codes, and new members are quickly oriented to them. The codes serve, to some extent, to resolve the complexities of modern life while still leaving an area of individual interpretation and decision.

2. They serve to maintain internal control of the group. If a professional group shows strong evidence of self-regulation, the danger of external interference is lessened. Groups maintaining high standards are seldom interfered with by the public or other external groups. This is not to say that a profession should be unresponsive to constructive criticism from outside sources.

3. They are important in developing higher standards of conduct. Codes should clearly lay out the best opinion and judgment of the members of the profession as to what professional conduct should be. They should also be re-examined and updated as circumstances warrant.

E. Morals, laws, and professional ethics overlap in many areas, but they are distinct in character. Morals can refer to any form of voluntary human activity judged to be right or wrong. They cover the entire field of personal social behavior. Laws are commands that reflect the moral ideals of the community, and which demand punishment if disobeyed. Professional ethics are concerned with additional practices and ideals peculiar to members of a given group. Codes defining these ideals attempt to direct the group's attention to problems of their own concern.

F. Now that we have discussed the area of ethics and professionalism, let us return for a moment to the specific profession of arms. Quite obviously, the military forces of a nation are concerned with life, and perhaps in a far more significant way than, say, members of the medical profession.

Doctors attempt to preserve live, but the military attempts to preserve the very conditions that make life possible. The man who voluntarily puts on the uniform of a military service of his country implicitly (if not explicitly) commits himself to the principal view that there are some values worth more than life, itself -- that there is something worth risking his life for, and that something is the way in which life is lived.

He finds himself in agreement with an old argument that the virtuous man is far more concerned with whether he does right or wrong (his way of life) than with whether he lives or dies. He finds himself in fundamental agreement with the value structure which stands behind a statement like:

> "I regret that I have but one life to give for my country," or "Is life so dear or peace so sweet as to be purchased at the price of chains and slavery? Forbid it, Almighty God!"

The essential function of the military is to preserve a way of life against would-be aggressors, and the values involved are "higher" than most other human values.

IV. Summary.

A. This has been an overall view of the relationship between Honor and Ethics, and Ethics and Professionalism. You can begin to see the need for exceptionally high standards of conduct on the part of our country's military leaders, and you can begin to see what will be required of you in your years of public service.

B. Never has a better summary of the feeling of patriotism, personal honor and devotion to ethical values by a military man, been expressed than was done by General Douglas MacArthur at West Point on 12 May 1962. Speaking to a group of cadets, like yourselves, on the occasion of receiving the Sylvanus Thayer Award for service to his country, General MacArthur spoke from his heart, without notes or prepared text. Fortunately, a tape recording was made of his remarks so that others could listen -- as we do now.

(Play AFA Tape #125e)

UNITED STATES AIR FORCE ACADEMY
ETHICS TRAINING
BASIC CADET TRAINING

INSTRUCTOR HANDBOOK
LESSON #3
15 MAY 1971

DUTY

PURPOSE: To establish a concept of duty for the Basic Cadets, to identify the relationship between duty and Ethics, and to illustrate why a sense of duty must be an integral part of a cadet's and officer's personal code of Ethics.

TRAINING AIDS AND EQUIPMENT: Microphone, speaker's rostrum and projector. Training Film 1-5391f, "Devotion to Duty."

REFERENCES: "Living for Leadership," AF Manual 50-21.

PRESENTATION:

I. Introduction.

As a cadet and, hopefully, a future officer in the United States Air Force, you will constantly be under pressure to do your duty. Devotion to duty is one of the foundation stones for our military system. Duty is a multi-faceted concept that encompasses a sense of obligation to yourself, to others, and to your organization and its mission. Your development of a personal code of ethics, and your integrity in following that code, will play an important role in your performance of duty as a cadet and an officer.

II. Definition of Duty.

A. Gentlemen, the first thing that I would like to do is to attempt to derive a definition of duty with your help. (Call on a cadet or two for a definition, and lead them to the summation in "5" below. The following are definitions for your referral.)

1. "Let us have faith that right makes might; and in that faith let us to the end, dare to do our duty as we understand it." Abraham Lincoln

2. "Duty then is the sublimest word in the English language; you should do your duty in all things; you can never do more -- you should never wish to do less." Robert E. Lee

3. Air Force Dictionary definition of duty: A moral obligation imposed upon, or felt by, a person by virtue of some circumstance or set of circumstances; also the sense of this obligation. That which a person is required to do in the performance of his assignment.

4. Webster's definition: Behavior showing a proper regard or sense of obligation; conduct resulting from a sense of justice, morality, etc.

a. Duty - general conduct required by one's sense of morlaity, etc., or by the dictates of one's conscience.

b. Obligation - what one is bound to do to fulfill a particular contract, promise, etc.

c. Responsibility - particular task, trust, etc., for which one is accountable.

5. To sum up, the difference between "duty" and "responsibility" is that duty involves a sense of obligation felt by the individual, himself. A man may have a responsibility given him by some formal authority, and he may be subject to some punishment if he does not accomplish it, but until he, himself, feels that he must discharge the responsibility, he does not have a duty.

B. Why is the concept of duty so important to people, especially in the military? Very simply, it is this -- the military has a job to do, a purpose to accomplish. In order to do this, orders must be given and followed. Without this feeling for duty in each person, these orders would not be given, nor would any be followed. Our job could not be done.

C. This applies to all aspects of the military, especially in cadet life, for it is here that you develop the concept of duty so that it will be an automatic response for you in the future. No matter how insignificant some jobs or positions you may have in your cadet career seem to you, they all embody this sense of duty. Without this feeling, you cannot perform them satisfactorily. Keep this in mind throughout your four years at the Academy. It is one of the most important and essential aspects of your training for the future.

III. Illustration of Duty.

A. "Duty" is an overworked word in military life, and one that is taken for granted. Yet, it is a word with one of the most profound meanings in our language. Plato went so far as to say that duty was indistinguishable from goodness. The German philosopher, Immanual Kant, said the mainspring of idealism and religion was duty. But despite all that has been written on the subject, duty is something which must be observed in the lives of men and women for its true meaning. Let us illustrate!

B. The Wing recently took a great deal of pride in the off-duty performance of two cadets, who also happened to be brothers. While driving past an automobile off the side of the road, they noticed that the driver of that car was having some sort of seizure or attack. They stopped, applied first aid, and then got the man to medical attention. By their prompt action, they were able to save the man's life.

C. There is another episode I would like to bring to your attention, the story of a fellow airman, Lt. James Obenauf. He risked his own life on an occasion to save that of a fellow crewman on board a SAC B-47 aircraft. His plane became crippled at 34,000 feet when an engine exploded and burst into flame. The pilot and navigator-bombardier had safely ejected, but co-pilot Obenauf's ejection equipment was faulty. When he started to go out the escape hatch, he saw that one of the crew members, an observer, was lying unconscious with his oxygen mask disconnected and his parachute unattached. It was obvious that this man would soon be dead without oxygen. In a moment for decision, Obenauf recognized what he thought was his duty. Electing to crawl back to his co-pilot's seat, he miraculously brought the plane back to the base and landed safely.

D. These are two examples of how individuals recognized their moral obligations to fellow human beings. In each instance a moral claim was made upon a person by another individual in the name of the common good. These are also examples of people who were willing to do a little more than that which is expected of them, willing to go beyond the call of duty.

IV. Exercise of Duty.

A. Duty to Self.

1. Devotion to duty is a habit that, like any habit, is acquired by exercise. The first exercise relates to ourselves. We must always do the best that we can in any job or situation we are faced with. In order to do this we must continually strive to improve ourselves physically, morally and mentally, so that we will possess the qualities necessary to do our utmost in these situations.

2. Every day presents opportunities to improve ourselves. Each academic class provides the opportunity to improve your knowledge and understanding of your environment. Athletic endeavors enable you to maintain your physical well-being and enhance your spirit of competition and team cooperation. Military classes enable you to be better informed on the special areas of work you will undertake upon graduation. Finally, areas of responsibility within the squadron provide great periods of growth for you in dealing with people, discipline, leadership and general military skills. These areas of self-improvement are open to you if you but take seriously your personal duty to self.

3. For those of you who are not taking your self-improvement seriously, you are, in effect, cheating yourself. You are insuring that you will be less prepared physically and mentally than those of your classmates who are working to their potentials. You are insuring that your classmates who are working hard on self-improvement, even those inferior to you, will outdistance you in preparedness and performance. You are establishing a built-in handicap for yourself in competition with others.

4. "Duty to self" also implies the maintenance of self-respect. Periodically, every man should ask himself these questions: Do I conduct myself in a manner that gives me a personal self-satisfaction and a sense of accomplishment? Do I insure that my actions are those that are appropriate for my position? Do my actions reflect my training and potential? Do I conduct myself in a manner that reflects praise on me, my service and my family? Self-respect is a vital element in any man's life, and its lack is often the origin for many serious deficiencies.

B. Duty to Others.

1. The second action in the exercise of duty conditions the reflexes of the moral self. We must dutifully stretch our lives to respond to the needs of our fellow men who depend on us, as we depend on them

in daily life. These duties maintain a sensitive balance between members of our families, fellow members of our units, team players on a ball club, and even our friends in foreign countries. The situation which Lt. Obenauf faced is an excellent example of the needs of others contributing to and affecting one's sense of duty.

2. Our regard for others must be a strong element in our sense of duty. This is the reason history is filled with examples of men and women who have been willing to suffer and even die for other men. Animals will fight for their young most furiously, by instinct, but they will not fight for other animals. The primacy of mankind in nature is due to man's ability to reason and to man's willingness to suffer for his fellow man and for his ideals.

C. Duty to Country.

1. The American people know in their hearts what should be, where duty calls, what is the moral and right way to act. There are certain things we demand from each other. If we expect to enjoy certain rights -- the right to live, the right to enjoy freedom, the right to own property, to worship, to speak out freely -- it is also necessary for each one of us to allow these same rights to others. This should be every man's duty, to make our way of life work. President Kennedy pointed this out in his Inaugural Address: "My fellow Americans, ask not what your country can do for you; ask what you can do for your country."

2. Military men have a unique responsibility in making it possible for this way of life to work. As long as we are in the Air Force we have a duty to discharge, not only to our fellow man, but specifically to our country. It is a duty we perform as a result of months and years of training, and its magnitude is measured by the trust placed in us by our countrymen for their protection. To illustrate this, I wish to show a film at this time. The narrator is General Thomas S. Power, former commander of Strategic Air Command.

(Show Film) (12 Minutes)

V. Summary.

A. Duty involves moral concepts, and a true sense of duty can only be developed in a man when he has high regard for ethical principles. This is the cohesive element which holds men together in military units as well as in society. Without ethical principles as rules for daily living, there would be no respect for the other man, and it is this respect that holds our lives together. Great men who have left a permanent impact on history have been intensely motivated by this -- the compulsion to do what they ought to do in regard to their fellow man.

B. Lord Nelson, the greatest naval hero England has produced, is an excellent example. Physically he was frail, and he suffered from the loss of both an eye and an arm. It is reported that he was seasick every time he left port. Nevertheless, he became one of the nautical greats of all time. He died aboard his own battleship, the HMS Victory, and dying, he uttered the words: "I thank God I have done my duty."

C. In order that you might evaluate your own sense of duty, the following questions are offered for your consideration:

1. Do you do your job?

2. When you work, do you do just what is specified or do you try to do more?

3. Do you put your job first, ahead of personal goals and comforts?

4. Do you do your duty with silent dedication, or with loud complaining?

5. Do you help those around you to develop their own pride and sense of duty?

Give yourself an honest appraisal of the meaning of duty to you. It will give you a valuable insight into your worth as a cadet and your potential as an officer.

UNITED STATES AIR FORCE ACADEMY
ETHICS TRAINING
BASIC CADET TRAINING

INSTRUCTOR HANDBOOK
LESSON 14
15 MAY 1971

RESPECT FOR AUTHORITY

PURPOSE: To develop within the Basic Cadet an appreciation and respect for authority by presenting the meaning, need, and application of authority in civilian life, at the Academy and in the armed forces.

TRAINING AIDS AND EQUIPMENT: As desired by instructor.

REFERENCES: The Air Officer's Guide, Chapters 4 and 10.

PRESENTATION:

I. Introduction.

Inherent to successful military operations is a deep respect for authority on the part of all members of the unit. This respect may be given because of a man's rank, position, and/or ability, but it must be given, and given loyally, in order for the unit to function well. It is my purpose today to present the basis for granting authority to persons within a society or group, and to discuss the necessity for respecting those lawfully in positions of authority.

II. Aspects of Authority.

A. Definition of Authority: "Authority" is a legal or rightful power to command. It is the relationship between superior and subordinate in which one individual, the subordinate, accepts a decision made by another individual, the supervisor, permitting that decision to affect his behavior.

1. Examples of Authority: All organizations - football teams, theatrical clubs, scouting, fraternities, businesses - are formed and controlled by authority and respect for authority.

2. Respect for Authority may be defined as the confidence which the members have in the decisions of their leaders. Before you entered the Academy, the captains of your football teams and presidents of your clubs were elected because you had confidence in their ability to do the job they were elected to do.

B. In the Air Force and other military services, authority and respect for authority are even more important. However, there is a slight difference. In the organizations to which you belonged, each of the members knew each other on a personal basis. Whenever authority was grated to another, it was because everyone knew him personally and had confidence in him. On the other hand, the Air Force is so large and has so many people in it that it is a physical impossibility to know everyone personally. Then, how is authority delegated and enforced? Doesn't it seem strange that you as Basic Cadets must take orders from a complete stranger?

Few of you have ever had any acquaintance with a military system, but if we look at the phrase "chain of command," we can find an answer to these two questions. The chain of command is comparable to the executive organization of a civilian business. The officers at the top of the chain of command have been placed there by personal direction of the President of the United States because of their vast experience and knowledge of military problems. Each of these "top officers," i.e., Generals, then arranges a staff of officers below him to carry out the orders of the President. The officers working under a particular General may be complete strangers to each other, but each of them knows his superiors have been appointed to their positions because of their ability to lead. When an officer gives an order to a subordinate, the subordinate knows that his commanding officer has the right to give the order because someone in a higher position knows the capability of this commanding officer to lead. Sometimes an order may seem to have no purpose. This is because we are not in a high enough position to see the entire picture. Each order is one part of a large mosaic, and when all the orders, directives, regulations, etc., are followed, the big picture is completed.

C. Loyalty to Superiors: Loyalty to superiors is definitely a part of respect for authority. Theoretically, a good leader should always give his men a reason for what they are doing. However, if you think back on your day, you can see how this is impossible. If the upperclassmen tried to give you a reason for everything, the day would be 90% explanation and only 10% training. You would never learn the many things which you must learn prior to acceptance into the Cadet Wing.

Since everything cannot be explained, you must accept the orders of your superiors and follow them as a "loyal" subordinate should. You must realize that these orders are not sudden revelations, but are carefully thought-out plans. As a subordinate, you must actively support the policies of your superiors - not only to the letter, but also in the spirit of the order. Thus, respect for authority implies loyalty to superiors.

D. Acceptance of Decisions: Respect for authority also includes a willingness to accept a decision which has been made by a superior. Public criticism of a superior after a policy has been decided is frowned upon in the military. Does this mean that you have given up your freedom of speech? If you superior asks your opinion on a matter, by all means, tell him your feelings. But, once your superior has made a decision, with or without your advice, the subject is not to be considered a topic of controversy. You should accept the decision and follow it in such a way as to make an unconcerned bystander think that the policy was yours.

E. Jumping the Chain of Command: Out of respect for those who have authority over you, you should never attempt to "jump" the chain of command. This is an unpardonable military breach. This means that when you think something is wrong, you do not immediately write your Congressman, go to see the Commandant, write to a newspaper, or anything of this nature. The military is a tightly knit group which should have the capacity and the ability to solve its own problems at each level. Out of loyalty to the unit, a man with a grievance should air this grievance to his immediate superiors, so that there is an opportunity to correct the problem at that level. If the action taken is not satisfactory, the man may ask to see the next higher person in the chain, but generally the problem is solved at the initial contact.

III. Basis for Military Authority.

A. One Common Goal - Defense of the U.S. The respect for authority is founded in the confidence that each of us in uniform is dedicated to one common goal - the defense of the United States. Orders are followed because they contribute to the defense of the country. The orders that you will be given as Fourth Classmen may seem far removed from defense. They have, however, a well-defined source of authority which is intimately related to our history.

The Constitution states:

> The executive power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four years,...together with the Vice President, chosen for the same Term... The President shall be Commander in Chief of the Army and Navy of the United States...

These terse words of the Constitution definitely fix the responsibility, but they do not suggest the content of the Commander in Chief's powers, which at times has proved to be embarrassingly vague. These powers have eluded precise description by the Supreme Court, which has avoided entanglements, when possible, in contests between the President and Congress for the direction of military policy. The office of the Commander in Chief is, therefore, essentially a product of growth and adaption ungoverned by precise legal definition. But, being undefined, it has been responsive to the military crises which have occurred in the history of the nation.

B. The executive branch of the United States government is today a vastly more complex organization than it was in Washington's time. But the President's task is still to execute the wishes, as he interprets them, of the people by virtue of the "mandate" conferred upon him when elected, subject to some restrictions by Congress, which exercises much control over the executive branch by passing enabling legislation, approving key officials, and exercising budgetary control. Although the President today of necessity delegates most of the responsibilities for national defense, he still reserves the right to take direct action in a grave national emergency and the right to make decisions about military matters that bear directly upon national policy. He also has the authority, "by and with the advice and consent of the Senate" to appoint the top civilian and military officials in the defense organization, and he can grant commissions to officers of lesser grade in his own right.

C. The President has traditionally reserved for himself the right to commission officers in the military service. In doing this, he directly grants to these officers the legal right to make operational decisions consistent with their rank. The commission reads: "I (the President) do strictly charge and require those officers and other personnel of lesser rank to render such obedience as is due an officer of this grade and position." The enlisted man is made aware of the authority of the President as Commander in Chief, which he delegates to commissioned officers. Upon beginning active duty, he swears: "I will obey the orders of the President of the United States and the orders of officers appointed over me according to regulations and the Uniform Code of Military Justice." Through the enlisted man's oath and the officer's commission, the President is accorded the allegiance of each individual in the Armed Forces. In the last analysis, the legal basis of all command authority comes from the President and from the Congress by virtue of the powers granted to them under the Constitution.

D. Duty as Fourth Classmen: The President, Congress, General Clark and General Galligan have been given orders by the people of the United States to develop career officers. Your duty as Fourth Classmen and cadets of the Air Force Academy is to respect the authority of your cadet and officer superiors to develop you into a suitable officer who can defend his country. To do this, the cadet chain of command is now leading you through the basic cadet summer. It is our job to insure that you meet the standards of the Cadet Wing and the expectations of the Air Force.

As you go through your four years at the Academy, you will progress from taking orders to giving orders. Someday, it will be your responsibility to develop career officers. By learning to follow, you will gain some insights into the qualities of leadership. You will learn how to give orders in such a way that those below you will have confidence in your authority. You will learn how to motivate cadets below you; you will see that words, such as "patriotism," "duty," the "red, white and blue" have a real meaning and are not merely cliches. You will see that you have a duty to become a dedicated officer, and you will share the common feeling with all those in uniform that the military is a profession and not just a job. You will respect the authority of those over you because you will understand that you are part of one large coherent organization.

E. Remember, the Air Force is built on authority and the chain of command. Each of us has a duty to obey the orders of our superiors because all the orders combine to provide the defense of the country. Your four years at the Academy are devoted to developing you into a career officer. You will transition from a follower to a leader. By respecting the authority of your officer and cadet superiors, you will realize the responsibility you will have to train the cadets to follow you.

Respect authority and you will learn how to apply authority. Watch your leaders and listen to them because they are teaching you how to lead.

IV. Summary.

Instructor will lead a discussion covering the points listed below:

1. Respect for authority involves loyalty. Why?

2. A military man should learn to "follow" before he can "lead." Why?

3. The Air Force is similar and dissimilar to many civilian organizations in regard to authority. Explain how and why.

UNITED STATES AIR FORCE ACADEMY
ETHICS TRAINING
BASIC CADET TRAINING

INSTRUCTOR HANDBOOK
LESSON #5
15 MAY 1971

RESPONSIBILITY

PURPOSE: To provide an understanding of the significance of responsibility; to show the need for an individual acceptance of responsibility as a Basic Cadet; and to show the rewards of accepting responsibility as a cadet and ultimately as an officer.

TRAINING AIDS AND EQUIPMENT: As desired by instructor.

REFERENCES: AFM 35-15, Air Force Leadership, Chapter 9.
The Air Officer's Guide, Chapter 10.

PRESENTATION:

I. Introduction.

A. You have all entered a new phase of your life and training for your life's work. Many of the experiences and rules of conduct are new to you. Some facets of this new life, however, are not peculiar to the military, but are found in all walks of life from the time you were born to the time you will die. One such aspect of life is responsibility. While you may see it in a different light in this environment, it is nevertheless associated with all people everywhere.

B. Some people view responsibility, however, as being something to run from, as being a sort of nemesis that should only be accepted when the necessity is absolutely paramount. The cadet and future Air Force officer cannot accept or condone such an attitude. He has to take a positive attitude toward the acceptance of responsibility, for without this acceptance the basis upon which the strength of the United States Air Force is built would crumble. It is therefore necessary that you as cadets and future officers understand what responsibility is, to whom you are responsible and why a positive attitude toward accepting responsibility is a necessity.

II. Definition of Responsibility.

A. A responsibility is a particular task or trust for which one is held accountable. Responsibility can be defined in the military as the obligation of a subordinate, to whom a superior has assigned duty, to perform the service required. By this definition, the term "responsibility" has no meaning except when applied to a person. Animals, furniture, or automobiles cannot be responsible.

B. (Discuss responsibility and reliability in terms of the Basic Cadet's previous experience. Try to begin a discussion by asking for examples of personal reliabilility they have seen in high school, scouting, etc. The following aspects of a responsible person are given for your referral as possible discussion points.)

1. A responsible person is one who fulfills as best he can his obligations and duties.

2. A responsible person will not try to avoid work, but rather go out of his way at times to insure that things are done well.

3. A responsible person can be counted on to do things the first time without being told, in or out of a duty situation.

4. A responsible person will look out for the welfare of his friends or anyone and anything discharged to his care.

5. A responsible person is mature, diligent and thorough.

C. (Then present the point that an even greater emphasis on personal reliability is necessary in the military, where lives may depend on a man's willingness to discharge his responsibilities. The following quotes are offered as possible discussion points.)

1. "There is no more valuable subordinate than the man to whom you can give a piece of work and then forget it in the confident expectation that the next time it is brought to your attention, it will come in the form of a report that the thing has been done."

2. He is one who "holds himself to the same line of duty when unobserved as he would follow if all of his superiors were present."

3. "The outstanding officer will continue to be he who attacks with all of his energy and enthusiasm the tasks to which he is assigned."

D. Furthermore, responsibility cannot be delegated once accepted. This may be a little difficult to visualize, but an example or two should clarify the point.

1. During World War II, General Eisenhower was assigned to the task of preparing and initiating the invasion of the European continent. By virtue of accepting this task, he became responsible for its success. If during the invasion there were committed certain blunders that materially effected the outcome, General Eisenhower would have been responsible for the failure. As it turned out, the invasion was a success and the downfall of Hitler and Germany was accomplished. Either way, the responsibility for the ultimate success or failure of the campaign was in the hands of General Eisenhower.

2. Bringing the point closer to the present, the same concept of not being able to delegate responsibility can be seen within the workings of the Cadet Wing. The squadron commander, for instance, is responsible for the conduct of his men. During the academic year, you as Fourth Classmen will be assigned specific rooms like the orderly room which will be your duty to clean. If you should fail to execute your assigned duties, the squadron commander can be held responsible for your failure to accomplish assigned duties and accept your responsiblity. In other words, it was the responsibility of the squadron commander to see that the squadron was prepared for inspection, and while it may have been your failure to perform your duty that caused the squadron to not meet these standards, it was nevertheless the squadron commander's responsibility to see that the job was done. This was a responsibility that could not be delegated or passed on.

III. Acceptance of Responsibility.

A. You may be fully cognizant of the nature of responsibility and yet wonder what there is to gain by accepting responsibility. Why take on the responsibility of being squadron commander when the danger arises that you may be held responsible for something as remote as the previous case? Why not just sit back and let someone else take the risks?

B. Each of you is here because for some reason you were motivated toward becoming a cadet and an officer. I don't believe I will find any disagreement on the fact that it would have been much easier to stay at home this summer doing what each of you would like to have been doing. It would be much easier to go to a civilian institution and much more pleasant to be under a less restrictive organization. Yet each of you is here and sticking it out. Why? Why not take the path of least resistance and quit? Why work for becoming a squadron commander when it would be much easier and much less work to just exist around here? I believe Teddy Roosevelt summarized the thought presented here when he said:

> "Far better it is to dare mighty things, to win glorious triumphs, even though checked by failure, than to take rank with those poor spirits who neither enjoy much nor suffer much because they live in that grey twilight that knows not victory nor defeat."

C. There must be a positive attitude on the part of each one of you toward this acceptance. Every great man in history has had to have this positive attitude and surely you can visualize the ramifications if the President were to refuse to accept his responsibilities. Likewise you might visualize the ramifications if your element leader were to refuse to accept his responsibilities with respect to you. The shortest and perhaps the best statement of this feeling was a sign on President Truman's desk: "The buck stops here."

IV. Summary.

A. (Summarize the hour by discussing the following questions. The poem "Two Kinds of People" is a good way to close the discussion.)

1. How do such traits as punctuality, devotion, maturity and perseverance reflect a person's reliability?

2. Should Basic Cadets display responsibility in all areas, large and small? What is the purpose of some of the seemingly insignificant tasks performed by Basic Cadets?

B. "TWO KINDS OF PEOPLE" *

There are two kinds of people on earth today.
Just two kinds of people, no more, I say.
Not the good and the bad for 'tis well understood.
The good are half bad the bad are half good.

Not the happy and sad for the swiftly flying stars,
Bring each man his laughter and each man his tears.
Not the rich and the poor for to count a man's wealth,
You must first know the state of his conscience and
    health.

Not the humble and proud, for in life's busy span,
Who puts on vain airs is not counted a man.
No, the two kinds of people on earth I mean,
Are the people who lift and the people who lean.

Wherever you go you will find the world's masses
Are ever divided in just these two classes.
And strangely enough you will find, too, I mean,
There is only one lifter to twenty who lean.

In which class are you? Are you easing the load,
Of overtaxed lifters who toil down the road?
Or are you a leaner who lets others bear,
Your portion of worry and labor and care?

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*Author Unknown

8

UNITED STATES AIR FORCE ACADEMY
ETHICS TRAINING
BASIC CADET TRAINING

INSTRUCTOR HANDBOOK
LESSON #6
15 MAY 1971

CODE OF CONDUCT

PURPOSE: To introduce the Basic Cadet to the Code of Conduct of the American fighting man, to familiarize him with the background of the code, and to relate the code to his present and future role in the Air Force.

TRAINING AIDS AND EQUIPMENT: Microphone and speaker's rostrum.
AFI Film 190, "The Code"

REFERENCES: AFP 34-10-1, "The U.S. Fighting Man's Code"

PRESENTATION:

I. Introduction.

In previous meetings we have discussed aspects of a man's personal code of ethics which have special importance to the military profession: Devotion to duty, respect for authority, a feeling of personal responsibility, and professional pride. Throughout all the presentations, however, our central aim has been to show you that how a man lives among men is as important, or more so, than the fact that he lives at all. By presenting certain ethical problems facing the professional soldier, we have tried to convince you of the need for each one of you to consider his future, to decide upon a set of ethical values, and to determine to honor those values throughout your lifetime. Further, we have recommended the Cadet Honor Code as a solid foundation upon which to build a personal code of ethics.

II. The Code of Conduct.

A. This evening, we will look at another code which was conceived for use as a strong ethical foundation also, -- this code to serve as support for the fighting man actually in battle, the man faced with the immediate chance of death or imprisonment. Throughout your lives you will meet many challenges, and combat may be one of these. Hopefully, your professional preparedness will lessen the chance of your ever fighting a war, but if history is a good predictor, the day will come when you will face the challenge of combat, just as many former members of this Wing are this very hour.

B. The Code of Conduct of the American fighting man grew out of our experience in the Korean War. It is a short Creed of six articles outlining the appropriate general conduct of a fighting man under various combat situations. It is not meant as a series of inviolable laws, for the breaking of which a soldier would face punitive action, but rather as an easily remembered guide for a man under the stress of battle or capture. This is not to say that a fighting man's behavior is free from examination by courts of law, but the offenses of this nature are spelled out by the Uniform Code of Military Justice. The Code of Conduct, on the other hand, is meant to serve as a source of moral strength, and as a reminder of a soldier's obligations to his country and his comrades in arms.

C. One of the most effective briefings of the Code of Conduct is the film you are about to see. Narrated by Jack Webb, it examines the Code in the light of the Korean War; but its lessons are as applicable today in Vietnam as they were a decade and a half earlier and 1500 miles to the North. May we have the film please.

(Show Film, "The Code", - 29 Minutes)

III. Summary.

This completes your ethics training for Basic Cadet Summer. During the academic year your squadron ethics representative will continue to discuss with you various ethical concepts, and occasional problems of concern to the Wing. We encourage you to seek him out whenever you encounter a question or situation which you would like clarified or examined. Remember, that as cadets aspiring to a career as a professional military officer you are expected to set high personal standards of behavior, and then to meet those standards to the best of your ability. This is no easy task, but one which must be faced if this country is to continue to enjoy the protection of a professional military force.

Gentlemen, you are excused.

UNITED STATES AIR FORCE ACADEMY
ETHICS TRAINING
FOURTH CLASS TRAINING

INSTRUCTOR HANDBOOK
LESSON #1
15 MAY 1971

HONOR-ETHICS RELATIONSHIP

PURPOSE: To discuss the honor-ethics relationship with the Fourth Classmen, pointing out the individual responsibility that is dominant in this area.

TRAINING AIDS AND EQUIPMENT: none

REFERENCES: ETHICS CASES -

a. "ID Cards" Dated 16 April 1965.
b. "Ethics Board" Dated 31 January 1969.
c. "Ethics Hearing of Cadet First Class A" Dated 17 July 1968.
d. "Case Involving Cadet Second Class A" Dated 10 October 1968.
e. Ethics Board hearing on Cadet First Class P Dated 5 March 1968.

PRESENTATION:

I. Introduction.

As you are now becoming members of the Wing, you should understand that the Cadet Honor Code is only a minimum requirement of a cadet's actions. It needs to be supplemented with a personal moral code that each individual must develop within himself. This concept must be firm in the cadet's mind so that he will have the moral courage not to rationalize an action he actually feels is wrong. Each man must develop his own code and maintain the personal integrity to enforce it.

II. Main Points.

A. Honor and Ethics supplement each other as aids in developing individual standards of conduct. Stress that Honor, while important, does not answer all the questions and must be supplemented with an ethical standard. Honor Codes are common to many professions with ours at the Academy being special because it is respected so much. Similarly, all professions have their system of Ethics. (Review Part II of BCT Lesson #2, "Ethics, Honor, and Professionalism")

Example: Read "Ethics Board" dated 31 January 1969.

B. Explain that The Honor Code has become highly technical because of the severity of any breach of the Code. This means that several events have been defined as not Honor Violations, but certainly violate the Ethical standard that each cadet should have.

Examples: a. Bed stuffing
b. Promising a classmate to do a favor
c. Lending your ID

Refer to Ethics Cases:

a. "ID Cards" dated 16 April 1965.
b. "Case Involving Cadet Second Class A" dated 10 October 1968.

C. Point out that ethical concepts cannot be made to conform to a universal standard because they are the product of the individual, or a group of individuals with identical interests, e.g. a profession. No ethical "approved solution" can be written as law. Each individual must form his own standard or accept the standard of the profession he aspires to and apply it to the situation he meets everyday.

Refer to Ethics Cases:

a. "Ethics Hearing of Cadet First Class A" dated 17 July 1968.

b. Ethics Board hearing on Cadet First Class P dated 5 March 1968.

D. Questions:

1. Do we not owe it to our mother service to maintain the epitome of respect, because we are in the eyes of the public?

2. The entire military service is judged in the minds of others by the actions of individuals. Would it not be unethical to let our comrades down?

3. Is any value, system, or code of conduct worthwhile if the members of that organization lack the moral courage to enforce it?

III. Summary.

Point out again that the Honor Code is only a minimum standard. It takes personal integrity to maintain a good ethical standard outside the Honor Code.

UNITED STATES AIR FORCE ACADEMY
ETHICS TRAINING
FOURTH CLASS TRAINING

INSTRUCTOR HANDBOOK
LESSON #2
15 MAY 1971

SOCIAL CONDUCT

PURPOSE: To emphasize the need for high standards of social conduct by cadets as members of the Cadet Wing, both on duty and off duty.

TRAINING AIDS AND EQUIPMENT: As required.

REFERENCES: Decorum
Ethics Case, 3 March 1969
Ethics Case, 7 March 1969

PRESENTATION:

I. Introduction.

As your Third Class year approaches you should become aware of the social situations you will face. Increased privileges demand an increased sense of responsibility on your part, and a realization that your role as cadets does not end when away from the Academy. As a cadet or officer the public has the right to expect a higher standard of social conduct from you than from the ordinary citizen. And you should remember that, fairly or unfairly, improper conduct on your part will reflect not only on you but on the Academy and the Air Force.

II. Main Points.

A. An important aspect of any military installation's existence is the relationship between base personnel and the civilian community. This is especially important in Colorado Springs with the Academy, Ent AFB, Fort Carson and Cheyenne Mountain all in the area.

1. Consider your relations with the public officials of the community, especially law enforcement officers. A little courtesy, i.e. standing when speaking with them, using courteous speech, showing respect for their authority, etc., will go a long way toward improving relations and ensuring a fair shake for the next cadet the particular official may meet.

2. Consider your actions in public, especially your driving and drinking habits, as these are the habits most apt to affect the civilian community unfavorably.

3. Consider your dealings with businessmen, and how cadet "good deals" in insurance, banking, clothes, and automobiles depend on the continued good business sense displayed by cadets. (Read attached letter from "Lazy J" Motel). Although the seriousness of this letter lay in the fact that motel "stacking" is an honor violation, it also shows what can result by generally poor behavior on the part of a few cadets.

B. Good manners are an important part of social conduct. Such points as opening doors, lighting cigarettes, sending thank you notes, etc., create a very favorable impression and are expected of you as a cadet and officer. Decorum covers most social situations you will meet. Remember that you have it available.

1. Read ethics case, 7 March 1969, and discuss it as an example of poor manners reflecting unfavorably on the Cadet Wing.

2. For discussion, ask this question: When do you care most about a classmate's appearance and conduct - IRI, class, party in town? Why?

C. Most of you already have a good idea about general social situations and what conduct is expected of you. Certain aspects of your dating here, though, are unique to the Academy and it might be interesting to examine them from the female viewpoint. The following comments come from girls who have dated cadets: (Try to start discussion on these points.)

1. "Liquor is their biggest problem. They don't know what to do with it. It's like a special new toy. They should avoid being with people if they need to drink that way."

2. "If you live in town they feel they own your car, apartment, and life after the first date. You are expected to stay in every night and then wait for them on weekends, when your time is theirs."

3. "When away from the Academy they group tightly together. They avoid their civilian contemporaries."

4. "All they talk about is being cadets, and in any size group they have too many private jokes."

5. "They are inconsiderate of a girl's time and money. Often a girl will pay for transportation, room, meals, etc., to be here for a weekend, and the cadet will see her only Saturday night, neglecting her the rest of the time."

(Note: The majority of girls interviewed were engaged to cadets, so obviously the cadet impression wasn't all bad. On the other hand, the instances reflect cadet conduct which is unappealing, and may live strongly in female memories.)

6. (If there is time, read Ethics Case, 3 March 1969.) This case illustrates public display of affection. (Discuss what affection is appropriate in different public situations.)

III. Summary.

Remember your actions are no longer entirely your own, but those of a cadet, and you are a cadet twenty-four hours a day, seven days a week. Responsible social conduct on your part will provide the civilian community with a basis for confidence and respect for you, the Academy, and their military service.

Letterhead of
LAZY-J MOTEL
1000 28th Street
Boulder, Colorado

March 21, 1963

Commandant of Cadets
USAFA
Colorado Springs, Colorado

Dear Sir:

This is to advise you that from this date on, I will not serve or rent a motel unit to any cadet stationed at Colorado Springs. I have had my fill of them. For example, yesterday March 20th, a cadet came in my place and registered for three cadets, paid $10.00.

This morning I checked the room and counted eight sleeping in the room; they sneaked in during the night. I asked the cadet how many stayed in the room. He lied about it, said he didn't know; then a second cadet said there were eight of us. I told them they owed an additional $14.00. They refused to pay, so I am writing to you and am asking to collect this amount from them and send it to us.

I at several times almost called the police and signed a warrant for their arrest on occasions before, but didn't want to make an issue with the police; they are not very popular with them any way. I feel that the best thing for you to do is keep them out of Boulder. All they come up here for is party, get drunk and make asses out of the Air Force. We have talked this over at our Motel meetings, and we all agreed to refuse to rent to them. If any sneak into our motel, by giving false names and addresses in the future, I will have them arrested. Thought I would write and warn you ahead of time. Hope I hear from you soon. Please write an answer to this letter informing you have received this letter.

Yours truly,

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UNITED STATES AIR FORCE ACADEMY
ETHICS TRAINING
FOURTH CLASS TRAINING

INSTRUCTOR HANDBOOK
LESSON #3
15 MAY 1971

GOAL DEVELOPMENT AND INTEGRITY

PURPOSE: To discuss the importance of goal development and integrity, to emphasize its importance to the individual cadet, and to stress its importance later in your Air Force careers.

TRAINING AIDS AND EQUIPMENT: As required.

REFERENCES: Duty and Responsibility
Ethics Case: 10 December 1966

PRESENTATION:

I. Introduction.

As Fourth Classmen you are just beginning a long, intense period of training at the Academy. For the distant future, you have already established the long-range goal of graduation and commissioning. However, there are many shorter-range goals that you should be thoroughly familiar with at this stage of your development. The achievement of these short-range goals will be the basis for pursuing your desired long-range goals. To aid you in accomplishing your short and long range goals you must develop a strong sense of integrity. Integrity means living up to a personal standard of values.

II. Main Points.

A. Goals

1. Short Range Goals. Responsibility, professionalism and respect for authority are qualities which every leader should strive to attain. Rarely does one accomplish anything, or succeed in any endeavor, unless he initially sets a goal for himself.

(a) QUESTION: Can you ever remember succeeding in a sport, or in a subject, or in your work, without first wanting to succeed and second, getting a clear idea of what was necessary for success? (Discuss this question in relation to various types of successful people, i.e. political leaders, military leaders, professional athletes.)

(b) The important things to remember about goal development are first, after carefully evaluating all of the facts, decide on what your goal will be, second, find out what it takes to achieve your goal, and lastly, keep your goal in sight at all times, and constantly remind yourself of what your goal is.

2. Long Range Goals. In any type of professional field, especially in the military, a sense of duty and loyalty to your work and to your country is needed. The achievement of your short range goals will give you an excellent background in which to achieve your long range goals. The habits you form here at USAFA will be the same habits you will utilize in the Air Force. This is why it is important that you start thinking about your future goals now.

B. Integrity

1. Integrity, as was mentioned before, means living up to a personal standard of values. It combines honor, ethics, duty, responsibility and professionalism into a functional unit in a man. A person with integrity has consistancy of character, pride in himself, his work and his organization. He displays actions of similar quality whether alone or observed by his superiors. As Fourth Classmen you should strive to develop a sense of values which will enable you to develop personal integrity. Integrity appropriately follows goal development because if a man has never taken the time to decide what is important to him, then he could not possibly have integrity.

2. Up till now most of your goals have been set for you by your family, your school, and the Academy. But in the "Real" Air Force, and for that matter anywhere else in the world, your direction and motivation in life must spring from within yourself, and now is the time to start thinking about your development of integrity.

3. Also, around the Cadet Wing there seems to be a feeling of animosity toward the "striver" or the cadet who wants to get ahead. Do not fall into the trap of criticizing others for exercising the initiative that you yourself lack. Remember that integrity does not only pertain to you as an individual, it also pertains to your respect for another man's integrity and right to attain his own personal goals.

4. Discuss some examples within the Cadet Wing of the situation mentioned in the preceding paragraph. (i.e. the cadet who works out for the PFT, or the cadet who puts in extra hours of study time, or the cadet who makes a special effort on his own time to know all required Fourth Class knowledge.) Is this type of criticism valid? (Note: Discuss Ethics Case, 10 December 1966. Discuss how an individual's lack of integrity can affect others.)

III. Summary.

In conclusion, it is very important that you begin thinking about goal development and personal integrity so that you can take advantage of every opportunity you have while at the Academy. Developing these types of values early in life will help you tremendously later in your Air Force careers.

UNITED STATES AIR FORCE ACADEMY
ETHICS TRAINING
THIRD CLASS TRAINING

INSTRUCTOR HANDBOOK
LESSON #1
15 MAY 1971

THE ETHICS OF INCREASED RESPONSIBILITY

PURPOSE: To discuss the increased responsibilities Third Classmen face, both those involved with specific duties and those inherent to their role as upperclassmen.

TRAINING AIDS AND EQUIPMENT: As required.

REFERENCES: CM 55-1
AFCWM 50-1 and 50-2
Decorum

PRESENTATION:

I. Introduction.

Though you may have felt that your Fourth Class year was the most demanding time of your life and four years at the Academy, you will find that as an upperclassman there are things required of you that never affected you as a Doolie. Being an upperclassman demands an increased sense of personal responsibility in both military and social situations.

II. Specific Duties.

A. Introduce the duty of Cadet-in-Charge-of-Quarters as an increase in responsibility over Fourth Class duties, i.e., minute caller, hall detail, etc. Point out that, although some aspects of CCQ are closely controlled, others are not monitored closely, and whether the job is done properly is a function of the responsibility felt by the individual CCQ.

1. Examples of duties not closely monitored are the neatness and cleanliness of the orderly room, the proper posting of new regulations, the checking of the bulletin board for outdated notices, the security watches during meals, and the proper control of the sign-out/sign-in registers.

2. To drive home the point of responsibility being a personal feeling, ask how many of the class have actually read the section of CM55-1 where the CCQ duties are given in detail.

B. Discuss with them the fact that increased responsibilities may entail unpleasant situations, such as a need to discipline others, even friends or superiors. Stress that even these situations must be faced squarely, or else the individual is not discharging the duties of his position or office.

1. A good discussion question is: What will you do if, while on duty, you discover a cadet committing a serious breach of regulations, such as bringing liquor or a girl into the dormitory? Will you handle the situation any differently if the cadet is a classmate, or if he is a superior?

C. Emphasize that an assigned duty is never to be taken lightly by a military man.

1. Read the Ethics case, dated 31 January 1969, involving an unauthorized switch of CCQ duty.

III. Upperclass Position.

A. Discuss their responsibility to the new Fourth Class, to be an example for them, to train them and not play with them. Have them look at the situation from the viewpoint that they, as Doolies, saw both good and bad examples of leadership, and that they owe it to themselves and to the Fourth Class to reflect only the good and effective examples they remember.

B. Remind them that they are still subordinate to many cadets and continue to owe loyalty and respect to their chain of command. Discuss the situation where they may disagree with a policy of a cadet superior, and point out that while they should render their honest opinion if asked, once the decision is made, it is their duty to support the policy. Emphasize that their subordinates will tend to treat them the same way they treat their superiors.

1. Read them the Ethics case, dated 6 November 1968, involving disrespect by a cadet for a cadet superior.

IV. Upperclass Privileges.

A. Discuss with them the fact that while on privilege they represent their service and their school and that, unfairly or not, poor social conduct by a few will reflect on public opinion of the Wing as a whole.

1. Briefly itemize points they should bear in mind socially:

a. Proper civilian dress.
b. Proper language in public.
c. Proper manners.
d. Conservative drinking habits.

2. Remind them that when confronted by social etiquette, they should consult "Decorum".

B. Emphasize the importance of a good personal appearance, both as an example to the Fourth Class and as a representative of the Academy to the public.

1. Why look sharp? Have them look at it this way: When they meet a girl, the first and very important impression she makes is her physical appearance. By the same token, a cadet's physical appearance (posture, shoes, haircut) forms the first impression he makes when meeting anyone for the first time.

C. Discuss the fact that increased privileges mean more chances to spend money. Remind them that obligations to creditors are just that - obligations. Point out that a financially embarrassed cadet brings discredit on the Wing.

V. Summary.

Bring out that the increased responsibilities of being an upperclassman are reflected both by increasingly important specific duties and by the higher standard of decorum expected of people who serve as examples to others. Show that the responsibilities of being a good Third Classman are similar to those which they will face throughout life, in that they will not be closely monitored and that their success or failure will depend for the most part on their own individual willingness to handle their duties well.

UNITED STATES AIR FORCE ACADEMY
ETHICS TRAINING
THIRD CLASS TRAINING

INSTRUCTOR HANDBOOK
LESSON #2
15 MAY 1971

PROFESSIONAL ETHICS IN SERVICE LIFE

PURPOSE: To discuss the need for an ethical standard to guide the actions of professional military men and to determine what constitutes that standard.

TRAINING AIDS AND EQUIPMENT: As required.

REFERENCES: A proposed Code of Ethics for Air Force Officers, Air University Review, March-April 1968

List of previous cadet ethics cases.

PRESENTATION:

I. Introduction.

Whether as a cadet or an officer, professional actions are expected of you in the line of duty at all times. As military men we belong to an organization which depends on the cohesion of its members and the confidence they place in one another. To maintain this cohesion and confidence and to establish a high standard of conduct and strong sense of duty, an ethical standard must exist common to all military men.

II. Discussion Points.

A. "No nation can safely trust its martial honor to leaders who do not maintain the universal code which distinguishes between those things that are right and those things that are wrong."

MacArthur

B. Discuss the need for an ethical standard in a military situation. Ask the cadets for examples of traits they feel desirable/necessary in a professional officer. Discuss each trait and its applicability, be prepared to get the discussion going with thoughts of your own; some traits worth mentioning are sense of mission, sense of fairness, consistency, dedication to the country, etc.

C. The following cases are just a few examples of traits of a military man:

1. Keeping your word - Lt Cobb was a two-engine pilot during World War II and for one year after the war. After his discharge, he joined the Air National Guard in his home town, which happened to be a fighter outfit. About one week after Cobb joined the ANG, and before he could get any experience flying fighters, his unit was shipped overseas and into combat. It wasn't long before his inability as a fighter pilot became apparent to the CO, Lt Colonel Snyder. The CO talked to Cobb and told him that he wasn't aggressive enough to be a good fighter pilot. Cobb pointed out that he was aggressive enough, and wanted to fly, but circumstances had worked against him so that he had not had sufficient transition training in fighter planes to become an efficient fighter pilot. He asked Colonel Snyder to give him some supervised training, which the CO promised to do, and gave an order to that effect right away. Weeks sped by with no training but mission after mission being flown by Lt Cobb. His performance fell so much below standard that the CO recommended a flying evaluation board investigation of the pilot.

2. Duty - Colonel Neat, Wing Commander, received an order from the Commanding General of the division directing that the airmen should not let their T shirts show at the neck from beneath their dress shirts. In the overall picture of the mission and job of this organization, Colonel Neat thought that this was certainly a very minor thing to issue a directive about, and personally felt chagrined that he would have to insist on its compliance. However, he did not pass the buck and tell the men that some general up the line wanted this picayunish thing done. Rather, he said, "This is my order and you will do it." The CO got results when other bases in the command did not.

3. Responsibility - Captain Heedless, Aircraft Commander of a B-29, landed at a field to remain overnight. The field was crowded due to a big mission scheduled for the next day. This base was well set up for crews remaining overnight and usually had a major in charge of providing mess and quarters for the airmen. Captain Heedless knew this and expected the major to be there when they arrived. He left for his quarters immediately upon landing, because he had become ill during the trip and wanted to go to bed. His crew ended up without a place to sleep because the major was not around. They had to stay in the unheated plane until morning.

D. Read cadet cases to show a poor standard in Cadet Wing.

1. Case dated 14 March 67, concerning the Cadet Store.

2. Case dated 18 September 68 concerning Cadets C and D.

Discuss how these cadets failed to show an ethical response to the situation.

E. Relate a need for a standard in the Wing based on an incident in your own personal experience.

III. Summary.

Be sure everyone understands the traits of an ethical military man which you have discussed, and understands the need for this standard in the Wing.

DEPARTMENT OF THE AIR FORCE
THE AIR FORCE CADET WING
USAF ACADEMY, COLORADO 80840

REPLY TO ATTN OF: CS-12/472-4608 14 March 1967

SUBJECT: Ethics Committee Case of Cadet First Class "D"

TO: Custodians, Honor Code Reading File

1. The following information is extracted from a summary of a hearing conducted by the Cadet Professional Ethics Committee. This cadet is presently a member of the Cadet Wing and is serving the punishments as described in paragraph 4.

2. The Ethics Committee convened on 9 February 1967, to hear the case of Cadet First Class "D" who had twice taken small amounts of merchandise out of the Cadet Store for an employee of the Cadet Store. Cadet "D" had not felt right about these acts and had queried his Honor Representative during his Second Class year to determine if there were honor implications. At that time he was told this was not an honor violation but that his acts were "highly unethical," whereupon he took no further actions to rectify this unhealthy situation.

3. At the hearing, Cadet "D" acknowledged the truth of the above facts and added that he knew his name was being put on packages in the special order section, even though he knew he had not ordered anything. He figured his classmates knew what they were doing in taking these articles out of the Store so he remained silent. He did not feel responsible for reporting or attempting to rectify this unhealthy situation since he did not regard it as an honor violation.

4. The Ethics Committee recommended to the Commandant that Cadet "D":

a. Be awarded two months restriction and 40 confinements.

b. Lose his Cadet Store privileges until 30 May 1967.

c. Retain his Cadet Captain rank.

d. Be counseled by his Squadron AOC.

5. The Committee considered that Cadet "D" had violated the Cadet Wing ethical standards by not attempting to rectify what he knew was an unhealthy situation which resulted in reflecting discredit on the Cadet Wing.

Gerald P Schurtz
GERALD P. SCHURTZ, Major, Army, USA
Officer-in-Charge

DEPARTMENT OF THE AIR FORCE
THE AIR FORCE CADET WING
USAF ACADEMY, COLORADO 80840

REPLY TO
ATTN OF: COCHE (4668)

18 September 1968

SUBJECT: Ethics Hearing of Cadets First Class "C" and "D"

TO: COC

1. The Ethics Representatives were convened at 1915 hours, 4 September 1968, by the Acting Chairman to hear the case of Cadet "C" and Cadet "D" who had been charged with taking advantage of Fourth Classmen by putting pressure on them.

2. Cadets "C" and "D" solicited "Beat Navy" t-shirts to the Fourth Class. They bought them of $1.25 each and sold them for $2 each. They approached a Fourth Classman in each squadron who had gone to Prep School and asked if they would sell the shirts to their classmates. It was emphasized that this was something for their class and they should try to get 100 percent participation. They did not tell these Fourth Classmen that they were making a profit on the sales.

3. The case was brought to the attention of several ethics representatives by Fourth Classmen, as well as by Cadets "C" and "D" after the reading of the case on Cadet First Class "A" on 24 August 1968. Cadet "A's" case involved an abuse of authority in soliciting from Basic Cadets. Cadets "C" and "D" had ordered 1296 shirts and sold 813 to date. They felt they were selling to help the Fourth Class, in addition to making a profit. They were open and did give their names when asked. Last year, Cadet "C" was told that all he had to do was obtain permission from a rally representative in order to be authorized. They did ask a rally representative, and he indicated their selling the t-shirts was all right with him.

4. The Board found Cadets "C" and "D" not guilty of the ethics violation as charged, taking into account that they were open in their operation and did go to see their ethics representative when they saw a possible similarity to a previous case.

5. Cadets "C" and "D" were obviously guilty of soliciting, and the Board felt that they had used poor judgment in their sales operation. The Board recommended that, as the case was not an offense processed formally by a Form #10, an appropriate punishment would be:

a. Cadets "C" and "D" sell no more shirts.
b. They see that everyone who paid for a shirt receive one.
c. They turn all profits and extra shirts over to the Fourth Class Committee.

/s/EDWIN J. MONTGOMERY, JR., Captain, USAF
Officer Advisor, Cadet Professional Ethics Committee

/s/THOMAS R. MIKOLAJCIK, C/Captain, USAF
Acting Chairman, Cadet Professional Ethics Representatives

UNITED STATES AIR FORCE ACADEMY
ETHICS TRAINING
THIRD CLASS TRAINING

INSTRUCTOR HANDBOOK
LESSON #3
15 MAY 1971

RESPONSIBILITY AND RESPECT FOR AUTHORITY

PURPOSE: To discuss the necessity for respect of authority in the military, the importance of responsibility in an individual, and to make applications to the Cadet Wing and in particular to the Third Class.

TRAINING AIDS AND EQUIPEMENT: As required.

REFERENCES: List of previous cadet ethics cases.

PRESENTATION:

I. Introduction.

Responsibility and respect for authority are two facts which you will live with your entire life. Whether in a civilian or military organization - you have to complete any given task in a responsibile manner plus show respect for the authority of your superior in order for your organization to be successful. In our military organization, where success or failure in their mission has a direct effect on our entire nation, the need for proper individual responsibility and respect for authority is essential.

II. Main Points.

A. Responsibility

1. Define responsibility (reliability, trustworthiness). Relate need for responsibility to oneself and also to the organization.

2. Relate the need for greater responsibility in our military.

3. Read and explain Cadet Case dated 10 December 66.

4. QUESTIONS: Do cadets have the opportunity to practice and learn responsibility here at the Academy? (Some areas that might be covered are maintaining one's proper personal appearance, financial responsibility and avoidance of overdrawn checks, failure to notice overdue books in your possession, CCQ, Fourth Class Training, etc.)

5. Discuss how cadets can look at cadet life in a more responsible manner.

B. Respect for Authority

1. Is this absolutely necessary in a military organization? Can respect for authority also be applied to civilians and civilization in general? Why is it necessary? (Ex. - Chain of Command - is it necessary? My Lai Case - discuss when or if a military man should question authority as to whether it is proper or improper. It is important to bring out two sides to this incident or a similar incident - when a subordinate feels an order is immoral and when he might be rationalizing his way out of doing a necessary duty because of fear or some other such reason).

2. When you voluntarily enter an organization you must respect the organization's structure of power and control. Why? What are proper ways to change the controls? (Ex. - The successful effort at changing the Third Class regulation as to when Third Classmen may wear civilian clothing on a privilege went through the Second Class Council before it was approved).

3. Discuss the implications of the following case: Cadet Case dated 31 October 1968 and the Cadet letter dated 31 October 1968 which resulted from this case.

III. Summary.

Stress relation between a need to act responsibly and the need for proper respect for authority by each cadet.

UNITED STATES AIR FORCE ACADEMY
ETHICS TRAINING
SECOND CLASS TRAINING

INSTRUCTOR HANDBOOK
LESSON #1
15 MAY 1971

THE INCREASED LEADERSHIP RESPONSIBILITY OF THE UPPERCLASS

PURPOSE: To discuss the increased responsibilities that are associated with leadership positions, to emphasize the ethics of command, and to understand the consequences of poor ethical behavior at the Academy.

TRAINING AIDS AND EQUIPMENT: As required.

REFERENCES: A proposed Code of Ethics for Air Force Officers, Air University Review, March-April 1968

PRESENTATION:

I. Introduction.

The Second Classmen should be prepared at this stage for small unit leadership. He has the opportunity to practice the leadership skills and techniques learned as a Fourth and Third Classman. Under the supervision of cadet officers, the Second Class NCO experiences real leadership problems, and assumes real responsibility for his actions, his judgments, and his decisions. These situations present the first opportunities for the development of an ethical, responsible approach to leadership.

II. Discussion Points.

A. What does your job entail?

1. Assumption of leadership positions.
2. Direction of Fourth Class Training.
3. Evaluation of the ethics, honor, decorum, attitude, and professionalism of the men under you.
4. Support of squadron staff work.

B. Specifically, what does an Element Leader do?

1. Plans, organizes Fourth Class Training in his element.
2. Plans, organizes Third Class participation.
3. Supervises activities, evaluates performance.
4. Handles problems, complaints.
5. Sets the example.

C. Perhaps the most important duty of the Element Leader is setting the example. Because of his rank and position, his good influence on the Third and Fourth Classes is his greatest responsibility. Remember that by leading, the Element Leader teaches his element leadership. By being professional, he teaches his men professionalism in their attitudes and actions.

Never forget that, although the mechanics of leadership can be learned from psychology, and the objectives of leadership can be learned from manuals and directives, an appreciation for leadership is best taught by the example set by the leader. This is the greatest Second Class responsibility.

D. What does a Second Class staff position entail?

1. Loyalty to superi[illegible]
2. Accomplishment of tasks.

E. What problems can all Second Classmen expect to encounter? (Discuss each question in detail. Point out that these are situations and problems which are encountered every day. Have them also look at the situations from a First Classman's standpoint.)

1. Loyalty
   a. How much loyalty do you owe the cadet officers?
   b. What happens when a Flight Commander and an Element Leader disagree on something?

2. Discipline
   a. How can you enforce the behavior required by your cadet officers?
   b. How should you discipline a doolie, a classmate, or a superior?
   c. Do you have to be a "bad guy" on occasion?

III. Summary.

Bring out that the increased responsibilities of the Second Class positions are reflected by specific duties -- but they should also be reflected by higher standards of decorum, since the Second Class provides an influential example. Success in accepting increased responsibility depends on an individual willingness to do the job well.

UNITED STATES AIR FORCE ACADEMY
ETHICS TRAINING
SECOND CLASS TRAINING

INSTRUCTOR HANDBOOK
LESSON #2
15 MAY 1971

RELIABILITY

PURPOSE: To develop an understanding of the role of reliability in the Cadet Wing and the Air Force. To develop a desire within the cadet to attain the highest degree of reliability possible.

TRAINING AIDS AND EQUIPMENT: As desired by instructor.

REFERENCE • The Air Officer's Guide

PRESENTATION:

I. Introduction.

Personal reliability is a character trait that all citizens should have and develop, but it assumes a special importance in the life of a professional military officer. How reliable you show yourself to be will determine the loyalty of your subordinates, the faith of your superiors, and the increase of your responsibilities.

Your sense of reliability, or lack of it, has been tested time and again at the Academy, in ways both large and small. In fact, one of the intentions of Academy life is to provide opportunities to develop your reliability and to learn to appreciate that trait in others.

II. Main Points.

A. (Ask for definitions of reliabiity, in order to get a clear picture of what the term means to the cadets. The following quotations are offered to help you discuss the points.)

1. "There is no more valuable subordinate than the man to whom you can give a piece of work and then forget it, in the confident expectation that the next time it is brought to your attention, it will come in the form of a report that the thing has been done."

2. "(The reliable officer is one who) holds himself to the same line of duty when unobserved as he would follow if all his superiors were present."

3. Robert Louis Stephenson: "His career was one of unbroken shame. He did not drink. He was exactly honest. Bringing no interest to his job, he brought no attention. His day was a tissue of things neglected and things done amiss. And from place to place, and from town to town, he carried the character of one thoroughly incompetent."

B. How do cadets depend upon the reliability of others? (Solicit examples from the class, and use them to point out how much we rely upon each other's willingness to shoulder responsibility. The following examples are given for your assistance.)

1. Rely upon fellow cadets for repayment or debts and the return of borrowed items.

2. Rely upon appointment reps to get you to scheduled appointments; upon CCQs for accurate messages, upon an occasional Fourth Classman to wake you up, etc.

3. Rely upon your teammates in intramurals.

4. Rely upon your superiors in chain of command to lead well, plan well, and represent your interests up the chain.

5. Rely upon your subordinates to carry out their assigned duties with competence and loyalty.

C. Characteristics of reliability. (Discuss what habits, traits and attitudes make up a reliable man. Some examples are given.)

1. Personal self-discipline.
2. Punctuality.
3. Devotion to assigned tasks.
4. Competence.
5. Thoroughness.
6. Loyalty.

D. How does reliability relate to duty? (Use the specific examples in "B" and the characteristics in "C" to show how the mission of any unit will fail without reliable people to carry out individual responsibilities. Point out that the trend toward specialization and the increasing complexities of military operations make it more important than ever that the individual team members be reliable.)

1. Ethics case, 10 December 1966, (Read and discuss from standpoint that a lack of reliability on the part of its leaders hurt the unit. Point out that cadet efforts to assume more authority in the running of the Wing are hurt every time cadets demonstrate unreliability in handling duties and authority presently granted.)

III. Summary.

As second semester draws to a close, the First Class will depend more and more on the Second Class to handle the specific duties involved with running the Wing. Do not be caught short by not knowing all that your specific job entails. Examine your own attitude and see if you are giving the present chain of command the same competence and loyalty you will want from your subordinates next year. Be sure that you can be trusted and relied upon when the opportunities and responsibilities of command are passed on to you.

UNITED STATES AIR FORCE ACADEMY
ETHICS TRAINING
FIRST CLASS TRAINING

INSTRUCTOR HANDBOOK
LESSON #1
15 MAY 1971

ATTITUDES AND ETHICS

PURPOSE: To discuss the effect personal ethical standards have on a junior officer's general attitude and approach to duty.

TRAINING AIDS AND EQUIPMENT: As desired by instructor.

REFERENCES: Air Officer Guide

AFM 35-15, Air Force Leadership
AFR 30-30, Standards of Conduct
Speech by Chief Justice Earl Warren at Jewish Theological Seminary.

PRESENTATION:

I. Introduction.

The object of your ethics instruction during your years at the Academy has been to point out the importance to you, both as citizens and military officers, of certain values and standards of behavior. Many agencies here, including the Professional Ethics Committee and the Officer Corps, have tried to show not only the relevance of your Honor Code, but the relevance of a sense of duty, a respect for authority, an acceptance of responsibility, and other values, to the challenges you will face as individuals in the service of your country.

II. Main Points.

A. A study of professional ethics is simply a study of human behavior with an aim toward determining the most proper way of behaving within the given social or professional framework. Though this may sound very moralistic and theoretical, it actually is an effort to come to grips with real, everyday situations and decide the best course of action among many possibilities. What we call an ethical man is just one who has taken the trouble to think about how he should rightly act, and has set about to act in that manner.

1. Chief Justice Earl Warren once said of ethics:

"Society would come to grief without ethics, which is unenforceable in the courts, and cannot be made part of law. If there were no sense of love in families, if there were no sense of loyalty, if friendship meant nothing, if we all or any large proportion of us were motivated by avarice and greed, society would collapse almost as completely as though it lacked law.

Not only does law in civilized society presuppose ethical commitment, it presupposes the existence of a broad area of human conduct controlled only by ethical norms and not subject to law at all.

A person able to discern the right in the midst of great confusion and to pursue it, is a person of character. A person may be learned or ignorant, he may be old or young, rich or poor, well or sick; whatever his condition, he has to act, and his actions have their effect on himself and generally also on his fellow men."

B. Your personal ethical sense is conveyed to others through your attitudes, words and deeds. While you may have all the potential necessary to be an outstanding officer, a poor sense of ethics will prevent your performance at that level. The following questions were posed to Fourth Classmen during their BCT Ethics Instruction, but are even more important to you today, just a few months from commissioning. (Read the questions and try to start discussion on how these attitudes would affect a junior officer's performance.)

1. Do you do your job?

2. When you work, do you do just what is specified, or do you try to do more?

3. Do you put your duties first, ahead of personal goals and comforts?

4. Do you do your duty with silent dedication, or with loud complaining?

5. Do you help those around you to develop their own pride and sense of duty?

C. While the Honor Code is a solid basis for a personal code of ethics, there can be many shortcomings in an individual who merely refrains from lying, cheating, and stealing. (Discuss some of the points given below. Embellish them with examples from your own experience when you can.)

1. Displays indifference and cynicism.

2. Exploits the mistakes of others to his personal advantage.

3. Shows lack of respect for vested authority.

4. Fails to fulfill responsibilities.

5. Shows lack of self-control.

6. Feels no loyalty for the mission, the unit, his peers, subordinates or superiors.

III. Summary.

Much of the ethics instruction given here has been in the form of presenting concepts and situations, rather than "school solutions", because in the end a sense of ethics rests on the individual's own value judgments and his willingness to follow his judgment. The attitude with which a junior officer faces the Air Force is of great importance, and is based on the sense of ethics he has developed during his life.

Remember the oath of office you are about to take:

> "I swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservations or purpose of evasion; and that I will well and faithfully discharge me God."

This is a very positive statement of a belief in ethical standards, and reflects the concern of your countrymen for the values they feel you should uphold.

UNITED STATES AIR FORCE ACADEMY
ETHICS TRAINING
FIRST CLASS TRAINING

INSTRUCTOR HANDBOOK
LESSON #2
15 MAY 1971

ETHICS RELATED TO MARRIAGE

PURPOSE: To discuss a number of specific ethical standards relating to married junior officers and their wives. To discuss social activities and related problems in ethics.

TRAINING AIDS AND EQUIPMENT: As desired by instructor.

REFERENCES: AFM 35-15, Chapters 8 and 11.

PRESENTATION:

I. Introduction.

The family is the basic unit of our society. It takes constant work to make the "family" a successful, desirable union. For obvious reasons, this union must be founded on trust and integrity. Marriage is a "contract" which cannot be kept or terminated as whim or advantage suits you. It is a life-binding union that is a 24 hour-a-day obligation.

II. Main Points of Presentation.

A. Individuals are ready for marriage at different ages.

1. You must have reached a certain level of maturity.

2. Dr. Phillip Polatin recommends in his book, Marriage in the Modern World, that the following five factors are crucial for a happy marriage:

a. Both husband and wife should have a reasonable amount of emotional maturity. It is sheer idealism to expect them to be always calm, controlled, free of all faults, brilliant and intellectual. But, sufficient self-understanding to recognize personal weaknesses and limitations, as well as strengths, with resulting livable degrees of good humor and self-control is vital.

b. Secondly, there should be mutual respect, tolerance, consideration, and some common interests.

c. There should be a realistic continuation of the romantic, sentimental feelings which originally brought the couple together. This means, more simply, that each person values the other as a genuinely worthwhile companion.

d. Sexual compatibility is obviously essential, but far from being the only criterion.

e. Finally, both people should maintain a capacity for personal growth, keeping pace with each other's development along similar or parallel lines. Whether there is a united struggle for common goals or a separate struggle for differing goals, they should stride side by side as equals.

3. You must be prepared to participate fully in the partnership -- the "give and take" necessary requires understanding and patience as well as maturity.

B. Once married, your sound management and participation in the partnership will effect your career and life.

1. As a military man, you will be held responsible for the actions of all your dependents.

2. The sound honor and ethical sense obtained at the Academy and from other environmental situations as your parental family, church, and so on, must carry-over to your wife and dependents.

3. This overall family integrity reflects on your entire family unit and has far-reaching effects on the lives of all the members.

4. Here are some of the areas that need your careful attention:

a. Sound financial arrangements are compulsory:

(1) Joint versus single checking accounts.

(2) Savings accounts and investment arrangements.

(3) Power-of-attorneys.

b. Who wears the rank in the family? Certainly not your wife, unless she is a commissioned officer also. Expand on this area.

c. What does your wife need to know? As an officer, you will have access to security information and certain other types of "privileged" information. How much do you "carry home?"

(1) For security information, the answer is none!

(2) "Privileged" information, such as job details, gossip about co-workers, rumors, and so on, while interesting, seldom produce desirable results when passed on to your wife and others.

d. Gossip is a subject complete within itself. It appears the primary life's work of many people. Consider the following factors before you participate, or allow your wife to participate, since malicious gossip can be very detrimental to your job, your family, others, your service, and even your country.

(1) Can you personally verify the truthfulness of the information?

(2) Even if you can verify it, should it be passed on to others?

(3) If passed on, will it serve a useful, constructive purpose by passing it to others?

e. Immoral behavior -- it cannot be condoned or indulged in by men or women of integrity.

(1) Consider the impact on your marriage and children.

(2) Consider the impact on your job and people with whom you live and with whom you work.

(3) Consider the impact on base-community relations.

(4) Consider the impact on foreigners in regard to the moral profile of yourself and your nation.

(5) Consider the jeopardy to your security clearance, particularly in reference to blackmail, etc.

f. Excessive drinking by either you or your wife has many potential dangers.

(1) Promotes immoral behavior.

(2) Promotes irresponsible behavior -- at work and at home.

(3) Prevents or hinders the timely and proper assumption of your military duties.

(4) Promotes potential security "leaks" and damaging gossip.

(5) Decreases your self-respect and the mutual respect between married partners.

(6) Decreases the respect of others for you and your wife.

g. Many officers and their wives are intent upon advancing the officer's career at all costs.

(1) The advancement of your career by deceitful and improper methods does not fit into the concept of integrity.

(2) Avoid the warped version of the Golden Rule -- "Do one to others before they do one to you!"

(3) Advance your career by methods that allow you to maintain your self-respect -- and the respect of others. Insure that your wife does the same!

(4) Hard work, devotion to duty, personal integrity, and individual excellence are the keys to success.

(5) All good men are ambitious, but, if they are wise, they will realize that working for the success of the unit will give them more true recognition then if they were to work directly for their own aggrandizement. No more outstanding example of this truth can be shown than in the career of General Eisenhower. His work on the War Department General Staff was marked by excellence and anonymity. Only his leader, General Marshall, was widely known. Yet, Eisenhower'

modesty was no detriment to his eventual selection to lead the largest military command of our entire history. (Form AFM 35-15)

h. When a conflict exists between your duty and your wife, family, and personal gain, which comes first? Why? Expand.

C. If adequate time remains, ask for questions.

III. Summary.

One word almost covers the virtue of integrity of character -- honor. It is a fine sense of ethics, justice, and rightness with readiness to apply it to your own conduct. In the words of Secretary of War Patterson, it includes "honesty so compelling that even the appearance of guile or deceit is out of the question; a sense of duty that gives a guaranty of performance of unpleasant and unrecognized deeds and of unassigned tasks; and a loyalty to superiors and subordinates, to cause, to the nation, and to conscience."

Men and women who have integrity of character sincerely follow their own highly motivated consciences. They have unshakable self-respect, resolution, and both moral and physical courage. Integrity of character is that quality which distinguishes a gentleman or gentlewoman; that quality which makes them do the right thing in all cases; that quality which forces them to be selfless instead of selfish. In one of the opening scenes of Shakespeare's play, Hamlet, Polonius says to his son Laertes, "This above all: To thine own self be true; and it must follow, as the night the day, thou canst not then be false to any man." Here is the key to integrity -- and a vital key to a successful marriage -- be honest with yourself, to each other, to the proper causes, and to all men.

UNITED STATES AIR FORCE ACADEMY
ETHICS TRAINING
UPPERCLASS TRAINING

INSTRUCTOR HANDBOOK
LESSON #1
15 MAY 1971

DUTY

PURPOSE: To relate the abstract concept of duty to normal duties inherent in cadet life, and to point up certain problem areas which have developed in the performance of these duties.

TRAINING AIDS AND EQUIPMENT: As required.

REFERENCES: CR 521-1, CM 55-1.

PRESENTATION:

I. Introduction.

A. What would your opinion be of the doctor who, sight unseen, dismissed your buddy's complaint of a stomach ache as indigestion, only to have your buddy's appendix rupture a few hours later? Would your opinion change if the doctor apologized by explaining that all the other stomach aches he had ever seen as Medical Officer of the Day had been indigestion? Probably not.

B. What would your opinion be of the fireman who decided to make a personal telephone call while on duty, and had the phone tied up when you tried to report a fire? Would your opinion change if he explained that there hadn't been a fire at the Academy for weeks and, after all, he only had the phone tied up for ten minutes? Probably not.

II. Duty and the Air Force Cadet.

A. From the time a cadet enters the Academy he is told about the concept of "Duty" and how especially important a sense of duty is to the makeup of a professional soldier. Only too quickly, though, he discovers that the everyday duties of a cadet are simply that: everyday, unglamorous, routine, and often trivial.

B. Unfortunately, the easiest reaction to this discovery is to react negatively -- to treat the duties half-heartedly and with great unconcern. All too often, a cycle develops where unconcern breeds neglect and neglect breeds incompetence, or worse.

1. How often have you heard of element leaders being too lazy to check on the whereabouts of their element members at, say, the evening meal formation? You might ask yourself, how far does laziness go before it becomes a question of honor, due to the inaccurate reporting?

2. How often have you heard of CCQs switching duty in order to get out of a certain class? Is this being carried too far when one cadet will pay another to stand in for him during the tour of duty or at the CCQ inspection? Is it being carried too far when a cadet will get an underclassman to sit in for him, and give him the upperclass shoulderboards to wear so he won't get caught?

3. How often have you heard of a DI giving out his inspection times, or announcing loudly when he is about to inspect? Does this practice only become serious when a cadet on Cons changes his nametag to the TV room and the DI accepts this as the cadet's "room" for the evening?

4. How often have you heard of the Squadron Duty Officer leaving the area without telling the CCQ where he can be reached? Does this become critical when the SDO simply doesn't show up for duty at all? Or does it only become critical when the SDO drinks on duty, leaves his post to go to a squadron party, and subsequently kills two other cadets in an automobile accident?

5. How often have you seen members of the chain of command turn their backs on a situation where action needed to be taken? Or does this become serious only when a civilian lives in a squadron area for several days, poses as a cadet major, eats at Mitchell Hall without paying, and finally is caught while shopping at the Cadet Store?

C. The point of all this is that while duty accomplished is often mundane, duty unaccomplished can be extremely critical. A citizen has the right to expect a doctor or policeman or fireman or interceptor pilot -- in short, any public servant -- to be prepared and alert any time he is on duty in any situation within his area of competence. Neither long hours of inactivity, nor repetitious and boring drill, nor anything else, is an excuse for neglect of duty when the moment for action has come.

D. Preparedness for these moments is a matter of practice and habit, regardless of the profession involved. The cadet who prides himself on doing his job well, regardless of its seeming importance or unimportance, is developing an approach to duty that will carry him through the distractions of tedium or fatigue in later tasks. The cadet who thinks that he will suddenly be able to turn on a sense of duty like a light switch once he leaves the parochial atmosphere of the Academy, will be disillusioned at discovering that the real world and the real Air Force are often more routine and unexciting than cadet life.

III. Cadet Responsibility.

A. One way the Academy tries to prepare cadets for the problems they will face as officers is by giving each cadet an opportunity to fill positions of responsibility -- to lead and to follow. This is true from the rotation of leaders on the group reaction course for doolies, to the double m[illegible]-list concept for upperclassmen.

B. All the positions in the chain of command, including element leader, CCQ, and DI, were held by commissioned officers in the Academy's infancy. They were turned over to cadets as rapidly as the cadets showed themselves capable of handling the responsibilities involved. Today, the responsibility for leading the Wing and enforcing the cadet system of regulations and procedures is almost totally in the hands of cadets.

C. This brings up another way of looking at cadet duties. Every time a cadet willfully absents himself from a formation, or carelessly violates a confinement, or tries to smuggle liquor into the dormitory, or anything else, he is putting another cadet -- be it the CCQ or the DI or the Squadron Commander or the SDO -- in the difficult and unpleasant position of having to discharge the responsibilities of his particular office.

1. Why would a cadet care so little about his friends that he would knowingly force them into the position of either disciplining a fellow cadet or failing to do the duty entrusted to them?

2. Suppose the cadet on duty simply turns his back on the situation; who has gained from it? Has either cadet involved gained? Has the Academy? Is the only answer to give all the responsibilities back to the officer corps? If it is, then the Academy has truly failed its mission.

IV. Summary.

A. We should be able to see that the challenge of duty lies in its ordinary nature. If duty were always glamorous and exciting, it would be easy to be duty-conscious. But life is not that way, and the professionals who handle the unusual moments with expertise are the men who maintain their enthusiasm and dedication through the hours of ordinary living.

B. Most of the time their reward is only in knowing that they did their jobs well. But the CCQ who efficiently and kindly handles the call from the distraught mother trying to tell her son of a family death, has accomplished something extra. The DI who discovers the underclassman with the Darvon overdose and gets him safely to the hospital, has accomplished something extra. The SDO who hears of a classmate's accident on the highway and gets help to him, has accomplished something extra. Moreover, the practice of duty here establishes a habit pattern which will carry over into commissioned life -- where the details are often as boring and the hours as long, but where the stakes are much higher.

C. As heretical as it may sound to bring in ideas from a sister service, it might be worth a few moments to consider the West Point motto, "Duty, Honor, Country". Those three words were not placed in that order haphazardly; the concept of duty was given a purposeful pre-eminence. Think about it.

APPENDIX 10

UNITED STATES NAVAL ACADEMY
Annapolis, Maryland 21402

USNAINST 1610.3A
1/1stBnOfcr
9 October 1974

USNA INSTRUCTION 1610.3A

From: Superintendent

Subj: The Honor Concept of the Brigade of Midshipmen; promulgation of

Encl: (1) Subject Honor Concept

1. Purpose. To promulgate the Honor Concept of the Brigade of Midshipmen.

2. Cancellation. This Instruction supersedes and cancels USNAINST 1610.3. (R

3. Information. This edition of the Honor Concept incorporates under one cover all the significant material concerning midshipmen honor.

W. P. MACK

Distribution:
AA, C, D, F

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RECORD OF CHANGES

CHANGE NUMBER	DATE ENTERED	ENTERED BY (Initials)

HONOR CONCEPT

1. BACKGROUND (R

a. Personal integrity is essential to every naval officer. Hence, a part of the mission of the Naval Academy is to develop midshipmen morally and to imbue them with high ideals of honor. The Honor Concept of the Brigade of Midshipmen contributes to the accomplishment of this mission by providing precepts which aid midshipmen in cultivating the highest standards of personal integrity.

b. The Honor Concept is based upon universal principles. Unswerving fidelity to these principles is required of every midshipman in all that he does. The Honor Concept requires of each midshipman more than mere compliance with regulations. By outlining generalized principles, the Honor Concept seeks to crystallize in each midshipman standards of integrity which will motivate him to make decisions and take actions consistent with the highest ideals of honor in every situation he encounters daily.

2. PRINCIPLES, PRECEPTS, AND DEFINITIONS (R

a. The Honor Concept of the Brigade of Midshipmen establishes the principle that a midshipman does not lie, cheat or steal. It demands that midshipmen learn to make their decisions in every situation based upon this principle.

b. Precepts of the Honor Concept are:

(1) It is the individual responsibility of every midshipman to know the Honor Concept, its precepts, and its application.

(2) A finding of the Brigade Honor Board that a midshipman has violated the Honor Concept will normally result in his separation from the Naval Academy.

(3) Responsibility for the implementation and enforcement of the Honor Concept rests with the Brigade. Regardless of the rank or position of the person who reports a member of the Brigade for an honor violation, the investigation and evaluation of the alleged violation are conducted by the Brigade.

(4) Every midshipman is presumed to be honorable until reasonable doubt is created to the contrary. A midshipman's statements and actions must always represent the complete truth. In response to questions by competent superior authority, a midshipman shall answer forthrightly and truthfully.

c. The following definitions are pertinent to the Midshipman Honor Concept:

(1) Lying: To state knowingly an oral or written untruth. A lie may be either a declarative statement or a response to a question which is known to be false. It is also a lie knowingly to misrepresent the true situation or to deceive by withholding, omitting or subtly wording information in such a way as to leave an erroneous or false impression of the known true situation. The misrepresentation may be either by word or by deed.

(2) Cheating: To mislead or defraud another intentionally, contrary to the confidence normally placed in a midshipman. To use unauthorized assistance in submitted work designated to represent one's own efforts or to fail to indicate properly any authorized assistance received. For example, plagiarism; i.e., submitted work which is copied or paraphrased without giving credit by quotation marks and/or footnotes, is cheating. Work submitted by a midshipman shall be his own, except that collaboration is allowed and encouraged on homework assignments unless prohibited by the instructor. Collaboration on individual assignments, other than homework, is permitted only when a midshipman's instructor specifically allows it. An examination, once it has been given to a section or sections, is open to discussion.

(3) Stealing: To take, obtain or withhold property wrongfully from the possession of the true owner with the intention of permanently or temporarily depriving the owner of its use or possession.

(4) Intent: In lying, cheating, or stealing, the state of mind of the accused is an integral part of the offense. To be guilty, an accused need not have intended to commit an honor offense, but he must be found to have knowingly or intentionally done the dishonorable act. A guilty state of mind may be established either by direct evidence--for example, by words proved to have been used by the accused--or by indirect evidence; i.e., from the circumstances surrounding the alleged honor violation, for example, that a midshipman did in fact submit a copied work without proper annotation. Voluntary intoxication is not a defense to a violation of the Honor Concept unless the state of inebriation at the time of the alleged offense was so great as to have rendered the accused incapable of possessing the knowledge or intent required for the offense.

d. A midshipman who endeavors to lie, cheat or steal may be found guilty as though the offense had actually been committed.

e. The foregoing guidelines should be the basis for a midshipman's conduct in all places and under all conditions, whether official or personal in nature. They apply when on leave or liberty as well as at the Naval Academy and other duty stations. The Honor Concept describes a way of life as well as sets forth a legal prescription.

3. ORGANIZATION (R

a. The Brigade Honor Committee is the organization, consisting of elected midshipmen, which is charged with the responsibilities of indoctrinating the Brigade, ensuring high standards of honor, keeping the Honor Concept alive as an integral part of every midshipman's education, and hearing the cases of those midshipmen reported for violations of the Honor Concept.

b. Each class in each Company will elect an Honor Representative to the Honor Committee. Elections for the following year will be conducted by the second, third, and fourth classes just after the completion of the first semester. The incoming fourth class will elect Company Honor Representatives following the re-forming of the Brigade. Immediately thereafter, the Fourth Class Company Honor Representatives will elect from among themselves two representatives who will be designated to act in the capacity of the Fourth Class President/Vice President and two recorders for Brigade Honor Committee matters until class elections are held the following spring. Prior to service as Honor Representatives, all newly elected representatives will be examined on their knowledge of the Honor Concept by a written exam administered by the Brigade Honor Committee Chairman. Prospective representatives who fail this exam shall be retrained or replaced, at the discretion of the Chairman.

c. Company Honor Representatives from the prospective first class will elect, from among themselves, a Chairman, Vice Chairman, Deputy Vice Chairman for Investigations, Secretary, and Coordinator for the Brigade Honor Committee. The results of these elections will be forwarded to the Commandant via the Officer Representative for approval. Replacement Company Honor Representatives will be elected for these committee officials from the Company providing the individual.

d. In each Battalion there will be a Battalion Honor Representative for each class. The First Class Battalion Honor Representatives will be appointed by the Chairman. For the underclasses, the procedure will be by majority vote among the six newly elected Company Representatives from the Battalion.

e. The decision that a midshipman has violated the Honor Concept shall be made by a Brigade Honor Board of the Honor Committee. There shall be two standing Brigade Boards to make this decision composed of the following Honor Committee Members:

(1) Presiding Officer (no vote) - The elected Chairman/Vice Chairman of the Honor Committee (for cases where the accused is a fourth classman, the presiding officer should normally be the Honor Committee Chairman).

(2) Recorder (no vote) - The elected Secretary/Coordinator of the Honor Committee.

5 (3) Six first class Company Honor Representatives, one from each Battalion. (one vote each) - The member representing an accused's Battalion need not be present at the hearing and will not vote.

1 (4) Brigade Commander/Deputy Brigade Commander (one vote) - Under special circumstances, the Brigade Commander may appoint one of the two Midshipman Regimental Commanders to sit in his stead.

3) 4° cl
2) 3° cl
) 2° cl

(5) The Second, Third and Fourth Class President/Vice President (one vote each) - These midshipmen sit on the Board when it is hearing cases concerning members of their own class or junior classes. The President/Vice President of the class of the accused shall normally not have been the Presiding Officer at the Class Investigating Board for the particular case.

(6) These two standing Brigade Honor Boards will be appointed in writing by the Chairman. The appointing order shall specify two alternate members of the Honor Committee for each Board, each from different Battalions. In the absence of one of the normal voting members of a Board, one of the designated alternates will be appointed by the Presiding Officer to sit in the absent member's place. In establishing two standing boards, it is intended to add experience, continuity, and stability to the proceedings. Since it is not intended that this requirement function to the jeopardy of the Concept or an accused, the Chairman, with the approval of the Officer Representative, is free to appoint additional boards should the need arise.

f. A Class Investigating Board for each class other than the first class shall examine all underclass cases, except that Second Class Investigating Boards will be discontinued in the spring of each year after the second class assumes the responsibilities of the Brigade Honor Board for underclass cases. The Board for each class will inquire into reported honor violations concerning their classmates and recommend to the Chairman, in writing, either termination or continuation of the case. If the Chairman rejects the Class Board's recommendation, he will instruct the Class President to rehear the case with the same Class Board with written instructions to expand their investigation. The Class Board's second recommendation shall be binding on the Chairman. The Class Investigating Board shall be composed of the following Honor Committee Members:

(1) Presiding Officer (no vote) - The elected Class President or Vice President (or Acting Class President/Vice President for the fourth class cases).

(2) Recorder (no vote) - The elected Class Secretary or Treasurer (or Recorder, for fourth class cases).

(3) Five Class Company Honor Representatives appointed by the Class President or Acting Class President for each case (one vote each). 5 These Representatives shall be of the same class as the accused and be from each Battalion other than the Battalion of the accused.

g. In a Class Investigating Board or Brigade Honor Board hearing, all members or their alternates as prescribed in this instruction, must be present. Members will not change during a given case except by reason of challenge or self-disqualification. If a situation of absenteeism arises not covered by this instruction, the Presiding Officer of the Board concerned will recommend to the Officer Representative to the Honor Committee his solution to the problem. If the recommendation is sanctioned, the case will be heard when a full Board is available or the Board is reconstituted. Otherwise, the case will be terminated.

h. In order to provide for a smooth transition for the Second Class Honor Committee members from the Class Investigating Board level to that of the Brigade Honor Board, the following procedure will be implemented in the spring of each year. Upon the approval of the Brigade Honor Committee Chairman, the Officer Representative and the Commandant, the newly elected second class Honor Committee members will assume the responsibilities of the Brigade Honor Board for all cases involving the second, third, and fourth classes. This Board will have the same authority, will follow the same procedures, and will be the Brigade Honor Board for the three underclasses for the remainder of the academic year. The first class Chairman or Vice Chairman will sit in an advisory position on all Brigade Boards chaired by the second class prospective Chairman.

R) 4. DUTIES

a. The Brigade Honor Committee Chairman has overall responsibility for the dissemination of the Honor Concept within the Brigade of Midshipmen. He will coordinate all aspects of Honor Indoctrination; he will conduct Honor Committee meetings and Brigade Honor Board hearings; and he will coordinate with Class Brigade Commanders, Class Presidents, and Class Honor Representatives, in ensuring a proper attitude toward honor within the Brigade and the proper administration of reported honor offenses. He will promulgate annually the procedures for handling suspected honor offenses during summer training programs. In addition, he will carry out administrative duties as appropriate to include appointment of the standing Brigade Boards, testing prospective representatives, and maintaining a statistical summary of cases processed. The Chairman shall be responsible for the execution of all his duties to the Brigade of Midshipmen and to the Commandant of Midshipmen, via the Officer Representative. He shall maintain close liaison with the Officer Representative, keeping him closely informed of all Brigade Honor Committee matters.

b. The Brigade Honor Committee Vice Chairman will carry out the duties assigned him by the Chairman and shall be responsible to the Chairman for the execution of all his duties. He will act as advisor to the Fourth Class Investigating Board, and will conduct Brigade Honor Board hearings in the absence of the Chairman.

c. The Brigade Honor Committee Deputy Vice Chairman for Investigations will draft the statement of charges and designate a Midshipman Investigating Officer and Midshipman Advisor for each case. He will conduct training sessions for Midshipmen Investigating Officers. Furthermore, he will supervise the conduct of all investigations, providing guidelines for Investigating Officers which will ensure fair and impartial investigations prior to any hearing of the case. He will aid the Chairman in selecting the Liaison Officers for each academic division from among the first class Company Representatives, and will coordinate these men in their work with the academic divisions with regard to reported cases. Under no circumstances will he preside at Brigade Honor Board hearings.

d. The Brigade Honor Committee Secretary will act as recorder at Brigade Honor Board hearings and is responsible for keeping records and for ensuring that the records are always complete, up-to-date, and properly safeguarded. He shall assist Class Presidents in the preparation of reports of Class Board hearings. He will also carry out any administrative duties assigned to him by the Chairman.

e. The Brigade Honor Committee Coordinator will ensure that communications are maintained with all Company and Battalion Honor Representatives and with the Brigade. He will schedule all Honor Committee meetings and Honor Board hearings and will serve as Recorder at Brigade Honor Board hearings in the absence of the Secretary.

f. The designated Midshipman Investigating Officer will be an Honor Committee member who will investigate the case, collect the evidence, call witnesses, and, in general, conduct the case at the Class and Brigade Boards. He will specifically ensure that the charge is presented and explained to the accused, that the accused is given a copy of the charge sheet, and that paragraph 2 of Appendix (A) is explained to the accused. The Midshipman Investigating Officer has the obligation to investigate and present the case in a fair, impartial, and objective manner. The Investigating Officer must be a first classman for all cases reported by other than midshipmen, and for all first class honor cases. He must be either a second classman or first classman for fourth class honor cases.

g. The Midshipman Advisor will be an Honor Committee member requested by name by the accused. In the event the accused does not desire a Midshipman Advisor, he must so state in writing to the Chairman. The Midshipman Advisor to the accused will accompany the accused before the Class Investigating Board and before the Brigade Honor Board. As an Advisor, he will ensure that the accused understands the Board procedures and is given an opportunity to present evidence in his behalf. It remains the responsibility of the accused to present his own case, but he may be assisted by his Advisor to the extent he desires. The accused will indicate his choice of Advisor to the Investigating Officer. When the accused is a fourth class midshipman, the advisor should normally be a first or second class midshipman.

h. The Company Honor Representatives are the link between the Brigade and the Brigade Honor Committee. When appointed, they will serve on the Class Investigating and Brigade Honor Boards or as Investigating Officer. When requested, they will act as Midshipman Advisors to the accused. The First Class Company Honor Representative is responsible for indoctrination of his Company in the Honor Concept. He will keep underclass Honor Representatives in his Company informed on honor matters and ensure that prescribed Honor Concept material is covered during seminars within his Company. Honor Representatives shall perform such additional duties as may be assigned by the Chairman and shall be responsible to the

Chairman for the execution of their duties. Underclass Company Honor Representatives will assist the First Class Honor Representative in the performance of his responsibilities and ensure full awareness of the principles of the Honor Concept by the midshipmen in their class within their Company.

i. Each Academic Division Director will appoint a Liaison Officer to the Brigade Honor Committee. The Liaison Officer will be responsible for informing the members of his Division about the Honor Concept and the procedures concerning possible honor violations. The appointed representative preferably will be a senior civilian professor.

j. The Brigade Honor Chairman will appoint a First Class Honor Representative as Midshipman Academic Liaison Officer to each academic division whose duty it shall be to visit his division on a continuing basis. He will act as liaison and further keep the divisions informed on honor matters. He will maintain liaison with the Division Liaison Officer.

k. Any Honor Committee member whose attitude or performance is judged not to be in keeping with the highest standards of the Brigade may be dismissed from his Honor Committee position on recommendation to the Commandant via the Officer Representative by the Chairman. Election to fill any vacancy thus created will be conducted by the Chairman.

5. ADMINISTRATION

a. A midshipman who believes he has evidence that another member of the Brigade has violated the Honor Concept has several possible courses of action. He may (1) immediately report his evidence to the Brigade Honor Committee; or (2) discuss the incident with the suspected offender and then: (a) report the offender; (b) caution and counsel the offender without referring the matter to the Honor Committee; or (c) drop the whole matter if it appears certain that no violation has been committed. The responsibility for the proper course of action rests with the midshipman. This decision is a grave responsibility. If a midshipman does not take any of the actions mentioned above, he has not been dishonorable, but he has failed in his responsibility to the Brigade.

b. A midshipman who decides to report a suspected honor offense should first consult the Company Honor Representative of his class. The incident shall then be reported in the format of Appendix B by the accuser to the Brigade Honor Committee Chairman, who will determine whether or not the matter merits further investigation.

c. Any person, not a member of the Brigade, who believes he has evidence that a midshipman has violated the Honor Concept, may present his evidence to the Midshipman Honor Committee. Formal charges before the Honor Committee may be brought only by a midshipman, an officer attached to the Naval Academy, or a Naval Academy civilian faculty member. An officer or faculty member who believes that an honor violation has been committed has the following options only: (1) to report the suspected offense to the Honor Committee, with or without having first consulted the midshipman involved; or (2) to counsel the midshipman in lieu of reporting the offense to the Honor Committee. Prior to electing his course of action, the officer or faculty member may gather relevant facts, including interviewing the suspected offender. If the facts indicate that the officer or faculty member was clearly mistaken in the belief that an honor offense had occurred, no further action under the Honor Concept is required. If the facts confirm the belief that an honor offense has been committed, action in accordance with options (1) or (2), above, is required. Under no circumstances will any person who elects to counsel a midshipman under option (2), in lieu of reporting the offense, punish the suspected offender in any way. Specifically, an officer or faculty member observing an infraction of the Honor Concept by a midshipman will not assign him a grade lower than that which he has earned academically, with no punitive aspect, unless the infraction is first reported to the Honor Committee and the midshipman is found guilty of the honor offense. It must be reemphasized that the administration of the Honor Concept is the sole responsibility of the Brigade.

d. Any midshipman who believes that he has been punished in violation of this instruction may forward an appeal for relief to the Superintendent, via the Commandant of Midshipmen or the Academic Dean, as appropriate.

e. If the Chairman determines that an honor violation may have occurred, he will forward the case to his Deputy Vice Chairman for Investigation for drafting of a statement of charges (Appendix (A)) and for appointment of a Midshipman Investigating Officer and a Midshipman Advisor. The Investigating Officer and Advisor will report to the Deputy Vice Chairman for Investigations for instruction in their duties. At this time the Chairman will send a Report of Possible Honor Violation, (Appendix (C)), to the Officer Representative of the Honor Committee with a copy to the Deputy Commandant, Performance Officer, and the Company and Battalion Officers of the accused.

f. The Midshipman Investigating Officer will present the statement of charges to the accused. The Investigating Officer will ensure that he has met all requirements imposed by paragraph 2 of Appendix (A). The Investigating Officer will interview the accuser and any witnesses having information relevant to the case.

g. The Midshipman Investigating Officer will inform the First Class Company Honor Representative of the accused of the case pending. Upon completing his inquiry, the Investigating Officer will report his findings to the Class Investigating Board. After hearing the matter, the Investigating Board will decide to recommend to the Chairman either termination or continuation of the case. The recommendation of the Investigating Board will be determined by majority vote.

h. After reviewing the case the Chairman will either return the case for further action by the Class Investigating Board or will convene the Brigade Board as soon as possible. The Midshipman Investigating Officer will present the case to the Brigade Board. The accuser will normally appear before the Class Investigating Board and the Brigade Board. After the Brigade Board makes its findings, the Chairman will ensure that the accuser is briefed on the findings.

i. The following are guidelines for potential voting members of the Class Investigating or Brigade Honor Boards:

(1) The Presiding Officers of Boards will appoint alternates for any members who, for any reason, believe they cannot render an unbiased vote at a Board hearing or who are removed by challenge.

(2) The Investigating Officer must have presented sufficient evidence to establish that an honor violation has been committed. If the Investigating Officer does not present sufficient evidence, the case must be terminated.

(3) Potential voting members of the Brigade Honor Committee are expected to have personal standards of honor and integrity that are beyond any shadow of reproach. They must be able to think clearly, reason soundly, and be willing to cast their votes as the facts of the case indicate. They have a responsibility to the accused, and to the Brigade.

6. DETAILED CLASS INVESTIGATING BOARD PROCEDURES

a. The Brigade Honor Committee Coordinator upon receiving a report that the Midshipman Investigating Officer is ready to present his case will inform the President of the Class of the accused (or Acting Class

President for a Fourth Class case) who will appoint five Company Honor Representatives of his class from Battalions other than that of the accused as Investigating Board members for the case, and will also appoint a Recorder for the Investigating Board (as specified in paragraph 3f(2)). The Coordinator will notify the Midshipman Investigating Officer who will notify the accused and his Advisor to be present. (The Vice Chairman of the Honor Committee will be present for fourth class cases as an advisor in a non-voting capacity.) The Presiding Officer will then convene his board. The Midshipman Investigating Officer will present the results of his investigation. Witnesses, other than the accuser, need not be called unless requested by the Board or the accused. The hearing will be closed and no one except honor representatives authorized by the Brigade Honor Chairman will be permitted to observe the proceedings. Observers will be instructed not to discuss the case until final action is assigned and published. Witnesses will remain in an adjacent room until they are called by the Investigating Officer, the Board, or the accused to give testimony. The proceedings will be tape recorded to obtain a verbatim record. This tape is to be used only in the event that a discrepancy concerning the facts of the case is noted during any further proceedings and will be kept by the Brigade Honor Committee Secretary. The Presiding Officer will call the meeting to order. The Presiding Officer will inform the members of the charge and introduce the accused and his Midshipman Advisor. The following should be stated:

"We are about to hear information presented concerning an alleged violation of our Honor Concept by a member of the Brigade. This midshipman is charged as follows: (read from charge sheet). Before this case can be referred to the Brigade Honor Board, it is necessary that the information introduced shall indicate reasonable cause to believe that an honor violation has been committed. If we believe with certainty that no honor violation has been committed, we must recommend that the case be terminated. If we believe the violation is not correctly charged, we must revise the charge sheet to state the charge correctly."

b. The Presiding Officer will then read the following to the accused:

"Honor, personal integrity, and loyalty to the Service, its customs and its traditions, are fundamental characteristics essential to every naval officer. Any midshipman unable to conduct himself at all times in a manner indicating the highest standards of honesty, truthfulness, trustworthiness, and forthrightness is not desired as a commissioned officer in the Naval Service and is not desired as a member of the Brigade. You have been charged with violating our Honor Concept by (lying/cheating/stealing) (read charges). Our Honor Concept defines this act as follows:

(read from paragraph 2c). If, in the judgment of this Investigating Board, there is reasonable cause to believe you have committed a violation of the Honor Concept, your case will be recommended for hearing by the Brigade Honor Board."

The Presiding Officer will then explain the following to the accused:

"Although this is an informal hearing, it is my duty to acquaint you with the following facts. The purpose of this Board is to uncover the facts in the case and make its decision on the basis of these facts. You have (been appointed/waived the services of) a Midshipman Advisor to advise you as to procedures and your rights in this case and to assist you in the presentation of your case. You will be asked for an explanation of your conduct. However, you have the right to remain silent at this Honor hearing. If you elect to testify, you may be questioned by the members of the Board concerning your statements and what you say may be used against you in further proceedings. Do you understand?"

c. The accused shall be given an opportunity to challenge any member of the Board for cause. If any member of the Board is so challenged, the remaining members of the Board shall, after receiving evidence on the matter, decide by majority vote in closed session whether the challenge will be sustained and the member excused. The Class President shall appoint a replacement for any member excused for cause.

d. The Presiding Officer shall ask the Board if there is any member who cannot, for any reason, render an unbiased vote.

e. The Midshipman Investigating Officer will present the results of his investigation to the Board. The Investigating Board may request the Investigating Officer to call witnesses and present other relevant matter at this time. Each witness, except the accused, will be excused before the next one is called. Before being excused, witnesses will be instructed not to discuss the case except with officials conducting the case.

f. The accused will be asked by the Presiding Officer if he desires to make a statement. The accused may make a statement, call any pertinent witnesses, or present other matters at this time.

g. Other witnesses may be called by the Board, if it so desires.

h. If, as a result of the evidence presented, the Board determines that any additional charges should be preferred against the accused, it may direct the Investigating Officer to draft and sign each charge, in which case the Presiding Officer will forward the new charge(s), as well as the old, with the Board's recommendation as to disposition.

i. After all the evidence has been presented, the Midshipman Investigating Officer, the accused, and his advisor will be excused and the Board will vote by secret written ballot. The vote will be to recommend termination or continuation of proceedings. [illegible]
3-2/5-0 ?

j. When the Board has voted, the Midshipman Investigating Officer, the accused, and his Advisor will be recalled. The Presiding Officer will instruct the accused as follows:

"The Class Investigating Board has voted to recommend to the Brigade Honor Chairman that your case be (terminated/forwarded to the Brigade Honor Committee."

k. The Presiding Officer and Recorder will prepare the records of the Class Investigating Board and submit these to the Chairman. See Appendix (D).

l. Every member of the Class Investigating Board must maintain secrecy concerning the cases that come before the Board.

m. If the accused is absent from any study hour inspection, taps inspection, or other muster, the Board Presiding Officer will contact the Main Office and request that all midshipmen attending that Honor Meeting be designated authorized absentees. The Officer of the Watch will be informed that such corrections have been made; however, the name of the accused will not be revealed. This entire procedure thus protects the identity of the accused.

7. DETAILED BRIGADE HONOR BOARD PROCEDURES (R

a. Cases will be given a full hearing by the Brigade Honor Board. First Class cases will differ from underclass cases in that the cases will not be forwarded from a Class Investigating Board. A First Class case begins at the Brigade Honor Board level.

b. The accused and his advisor will be present during all proceedings except closed Board discussions and balloting. All evidence shall be received in open session and in the presence of the accused and his advisor. The proceedings, except closed sessions, will be tape recorded to obtain a verbatim record. At any time during proceedings, at the discretion of the Presiding Officer, the Board may go into closed session. A small number of observers (not to exceed ten) will be permitted to observe the open proceedings at the discretion of the Brigade Honor Chairman; however, Honor Representatives authorized by the Chairman will be permitted to observe the entire proceedings. All observers will be instructed not to discuss the case until final action is assigned and published. Witnesses will remain in an adjacent room until they are called by the Investigating Officer, the Board, or the accused to give testimony. Since an honor hearing is of such a serious nature, the Board will be conducted formally at all times. Boards will convene promptly at the scheduled times.

c. The Presiding Officer will call the meeting to order. The Presiding Officer will inform the members of the charge. He will then introduce the accused and his Advisor to the members of the Brigade Honor Board.

d. The accused shall be given the opportunity to challenge any member of the Board for cause. If any member of the Board is so challenged, the remaining members of the Board shall, after receiving evidence on the matter, decide by a majority vote in closed session whether the challenge will be sustained and the member excused. The Chairman shall appoint a replacement for any member excused for cause.

e. The Presiding Officer shall ask the Board if there is any member who cannot, for any reason, render an unbiased vote. The Presiding Officer will then commence proceedings by reading the following:

"We are about to hear evidence presented concerning an alleged violation of our Honor Concept by a member of the Brigade. This midshipman is charged as follows: (read from charge sheet). I wish to point out that in order to arrive at a finding that the Honor Concept has been violated, you must be satisfied by a preponderance of the evidence that this midshipman has committed an honor violation as set forth and defined in our Honor Concept."

f. The Midshipman Investigating Officer will then present his case before the Brigade Board. He will call witnesses and conduct their questioning or enter statements in evidence. All witnesses, including the accuser, will be subject to cross-examination by the accused or his Advisor at the conclusion of direct examination. The Presiding Officer may, at his discretion, require that the accused or his Advisor question a witness through the Presiding Officer. Before being excused, witnesses will be instructed not to discuss the case with anyone other than officials conducting the case. If statements are used, the accused will be provided with advance copies of the statements to be presented, security classification permitting.

g. When the accused is first called (by the Investigating Officer to act as witness or by the Presiding Officer to present his case), the Presiding Officer will instruct the accused as follows:

"Honor, personal integrity, and loyalty to the Service, its customs, and its traditions, are fundamental characteristics essential to every naval officer. Any midshipman unable to conduct himself at all times in a manner indicating the highest standards of honesty, truthfulness, trustworthiness, and forthrightness is not desired as a commissioned officer in the Naval Service and is not desired as a member of the Brigade. You have been charged with violating our Honor Concept by (lying, cheating, or stealing). Our Honor Concept defines this act as follows: (see paragraph 2c). If, in the judgment of this Board, you have committed a violation of the Honor Concept, you will be reported as having violated the Honor Concept to the Commandant of Midshipmen for appropriate action by him."

He will then state the following to the accused:

"The purpose of the Brigade Honor Board is to uncover all facts in the case and make its final decision based on these facts. You have (been appointed/waived the services of) a Midshipman Advisor to advise you as to procedures, your rights in this case, and to assist you in the preparation of your case. You will be asked for an explanation of your conduct. However, you have the right to remain silent at this honor hearing. If you elect to testify, you may be questioned by the members of the Board concerning your statements and what you say may be used against you in any further proceedings. You are encouraged to answer questions so that the Board may uncover all the facts in this case. (Your Advisor or I will gladly answer any of your questions regarding your rights, Brigade Honor Board procedures, or your privilege to present evidence in your behalf.) Do you understand?"

h. The Presiding Officer will then ask the accused to present his case. He may call any pertinent witnesses as he desires and introduce relevant evidence.

i. Any witnesses may be recalled for further questioning by either the Investigating Officer, the accused, or members of the Board.

Witnesses will be subject to questioning by members of the Board. Each witness except the accused will be excused before the next one is called.

j. When the Board feels that all evidence has been presented, the Presiding Officer will ask the accused if he desires to make a final statement, after which the Presiding Officer will make any closing remarks he deems appropriate, but will include:

"We have now heard all the evidence concerning the alleged violation of the Honor Concept. If, as a result of this hearing, you are satisfied that a preponderance of the evidence introduced supports a conclusion that this midshipman has committed an honor violation as set forth and defined in our Honor Concept, then you must vote the accused guilty. If, in your judgment, a preponderance of evidence introduced does not support this conclusion, then you must terminate the case by a vote of not guilty. The Brigade demands that this Board conduct fair and impartial hearings in its name in order to ensure that honor is more than just a word among midshipmen."

k. After the Investigating Officer, the Midshipman Advisor to the accused, and the accused have all withdrawn, the Board will then vote by secret written ballot. A minimum of two less than unanimous guilty votes is required for a finding that the accused has violated the Honor Concept of the Brigade of Midshipmen (i.e., 5 of 7, etc.). If the finding is guilty, the Investigating Officer, the accused and the Midshipman Advisor will then be recalled and the Presiding Officer will instruct the accused as follows:

"The Brigade Honor Committee has voted and found you guilty of (lying/cheating/stealing) in that you (read from charge sheet). (Lying/cheating/stealing) is defined in our Honor Concept as (see paragraph 2c). We are ready to vote whether to recommend separation or retention. You will not be informed of the outcome of this vote until such time as your case is reviewed by the Commandant. We will consider only factors of extenuation in determining whether to recommend separation or retention. An extenuating factor is a valid partial excuse for a violation of our Honor Concept. Are there any factors in your case which should be so considered? You are free to call witnesses, provided their testimony encompasses facts pertaining to this case."

When the accused is finished, the Investigating Officer, the accused and the Midshipman Advisor will withdraw. The Board will vote in secret for a recommendation of either "separation" or "retention." (The ballots will be included in the report to the Commandant.) The accused will not be advised of any recommendations in cases to be forwarded to the Commandant.

l. If the vote was not guilty, the Presiding Officer will instruct the accused as follows:

"The Brigade Honor Committee has voted and found you not guilty as charged. Your case is terminated at this point. Records of this case will be forwarded to the Officer Representative who, after review will return them to the Secretary of the Brigade Honor Committee who will keep them on file for the remainder of the academic year in which the case was heard. The review of the Officer Representative in no way affects the results of this hearing. All persons present during these proceedings will be instructed that there is to be no discussion of this case."

m. If, as a result of the evidence presented, the Board determines that any additional charges should be preferred against the accused, it may direct the Investigating Officer to draft and sign each charge, in which case the Presiding Officer will return the entire case to the Chairman, Brigade Honor Committee, for referral to a new Honor Board before which the case will be heard de novo.

n. The Presiding Officer will then adjourn the meeting. Every member of the Brigade Honor Committee and all observers must maintain secrecy concerning cases that come before the Board except when officially required by higher authorities to discuss the case. If the accused is found to have violated the Honor Concept, the members of the Board may subsequently discuss the case only after final action has been completed and published.

o. If the accused party is absent from any study hour inspection, taps inspection, or other muster, the Board Presiding Officer will request that all midshipmen attending that Honor Committee meeting be designated authorized absentees. The Officer of the Watch will be informed that such corrections have been made, but the name of the accused will not be revealed. This procedure is for the protection of the identity of the accused.

p. The Chairman will forward notification of the disposition of the case to the accuser informing him of the finding of the Honor Committee (see Appendix F, G). If the accused is found to have violated the Honor Concept, the Brigade Honor Committee Chairman and the Recorder will prepare and submit the findings of the Brigade Honor Board to the Commandant of Midshipmen via the Officer Representative, Brigade Honor Committee and the Staff Judge Advocate. (See Appendix (E)).

q. After reviewing the findings of the Brigade Honor Board, the Commandant of Midshipmen shall normally conduct a personal hearing with the accused, who shall be given the opportunity to present new evidence and matters in extenuation. Should the Commandant of Midshipmen determine that separation is warranted, he shall forward the entire case, including tape recording, to the Superintendent for review. If the Superintendent, after review of the records of the case, concurs with the Commandant's recommendation for separation, he shall initiate appropriate action under Title 10, U. S. Code, Section 6962.

r. The Chairman will make recommendations to the Commandant via the Officer Representative concerning publication of the findings of the Brigade Honor Board after final action in the case has been taken.

s. Open sessions of the Brigade Honor Board will be tape recorded. These tapes will include testimony given in extenuation in open sessions. Tapes of all guilty cases and the associated records of all guilty cases will be retained by the Performance Officer for at least one year after final action has been completed. Tapes of not guilty cases will be retained by the Secretary of the Brigade Honor Committee until the end of academic year in which the case was heard. With the prior written approval of the Commandant, these tapes may be released by the Chairman for review under special circumstances. Written authorization from the Brigade Honor Committee Chairman and the Commandant of Midshipmen must be presented to the Performance Officer prior to release of tapes in his possession.

R) 8. PROCEDURES FOR HANDLING SUSPECTED HONOR OFFENSES DURING SUMMER TRAINING PROGRAMS.

a. These procedures will be promulgated annually by the Brigade Honor Committee Chairman by 15 May. This is to provide maximum flexibility in dealing with summer training programs. These procedures must be approved by the Commandant of Midshipmen and will have the same distribution as this instruction.

USNAINST 1610.3A
9 October 1974

SAMPLE CHARGE SHEET

UNITED STATES NAVAL ACADEMY
Annapolis, Maryland 21402

Date ____________________

From: Investigating Officer, Co. ________
To: Midshipman______________________________, Alpha No. ________, Co. _____

Subj: Possible Honor Violation; Charge Sheet

Ref: (a) USNAINST 1610.3A

Encl: (1) List of Company Honor Representatives

1. You are accused of violating the Honor Concept of the Brigade of Midshipmen, in that ____
____
____
____
____
________________ is defined in our Honor Concept in reference (a) as
____
____
____
____

2. You will be appointed a Midshipman Advisor from the list of Company Honor Representatives contained in enclosure (1). You have the right to choose a particular Midshipman Advisor from the list and he will be appointed. If you do not desire a Midshipman Advisor, you must so state in writing to the Brigade Honor Committee Chairman. You should not respond to this charge until you have consulted with your advisor. You may make either an oral or written statement to the Investigating Officer or elect not to make a statement to the Investigating Officer or at subsequent Investigating or Brigade Board hearings. If you do elect to make a statement, you may be questioned concerning your statement and what you say may be used against you in further proceedings.

____
Investigating Officer

Accuser: ____________________
Time and date of offense: ____________
Place of offense: ____________________
Witnesses: ____________________ ____________________
____________________ ____________________

9 October 1974

USNAINST 1610.3A

I have read this charge sheet and understand my rights as stated in the Honor Concept of the Brigade of Midshipmen, including:

1. The right to consult with and seek advice from whomever I wish and to choose a Midshipman Advisor.

2. The right to be present with my Midshipman Advisor at open sessions of the Class Investigating Board and Brigade Honor Board during the hearing of my case.

3. The right to examine all evidence in the case, security classification permitting.

4. The right to present a defense to the charge(s).

5. The right to call witnesses and present other evidence in my behalf and to cross-examine witnesses called against me.

6. The right to remain silent or to make a statement, either written or oral, concerning the alleged offense, and, if convicted, to present matters in extenuation.

____
(Accused)

SAMPLE MIDSHIPMAN ACCUSER LETTER

UNITED STATES NAVAL ACADEMY
Annapolis, Maryland 21402

Date ____________________

From: W. T. DOORE, Midshipman Second Class
To: Brigade Honor Committee Chairman

Subj: Possible Honor Violation

1. On 3 September 1971, I asked Midshipman J. T. GISH 4/c, where he had been for come-around at morning meal. He stated that he had been at a come-around to Midshipman E. N. Sign, 1/c, at that time and had forgotten to tell me. Since Midshipman Sign had told me that it would be his policy to let the fourth class in the squad go around to the second class, I asked Midshipman Sign if his policy had changed. He told me that Midshipman GISH had not been around to him for over a month. I found out from Midshipman GISH's roommates that he had been in the room that morning writing a letter.

2. Midshipman GISH had been counseled by me previously for other statements that were not completely true. He had been required to write an essay on the need for honor in an officer in the Navy. Because of this, I feel that Midshipman GISH should be charged with a possible violation of the Brigade Honor Concept.

W. T. DOORE

SAMPLE REPORT OF POSSIBLE HONOR VIOLATION

UNITED STATES NAVAL ACADEMY
Annapolis, Maryland 21402

Date ____________

PRIVATE (OFFICIAL)

From: Brigade Honor Committee Chairman
To: Officer Representative, Brigade Honor Committee

Subj: Possible Honor Violation

1. This letter is to inform you of a possible honor violation that may have been committed by Midshipman ______________________________, Class of ________, in the ________ Company.

2. This information is provided solely to keep you informed.

Very respectfully,

Chairman, Brigade Honor Committee

Copy to:
______ Deputy Commandant
______ Battalion Officer
______ Company Officer
______ Performance Officer

SAMPLE REPORT OF CLASS INVESTIGATING BOARD

UNITED STATES NAVAL ACADEMY
Annapolis, Maryland 21402

Date ____________________

From: Presiding Officer, Class Investigating Board
To: Brigade Honor Committee Chairman

Subj: Possible Honor Violation of Midshipman Fourth Class J. T. GISH

Encl: (1) Charge Sheet
(2) Statements
(3) List of Men Present at Proceedings

1. On the evening of 15 September 1971, the Class Investigating Board met to consider the subject possible honor violation.

2. The Investigating Officer, Midshipman First Class W. T. Door, read to the Committee the accusation.

3. The accused (elected/did not elect) to make a statement to the Investigating Board. (If an oral statement was made, summarize it. If a written statement was made, refer to it.)

4. The Investigating Board considered the following facts in forwarding its recommendation. (List the facts.)

5. Based upon these facts, the Class Investigating Board recommends that the case be (continued/terminated).

H. T. MANN

SAMPLE REPORT OF BRIGADE HONOR BOARD TO COMMANDANT OF MIDSHIPMEN

UNITED STATES NAVAL ACADEMY
Annapolis, Maryland 21402

Date ______________

From: Brigade Honor Committee Chairman
To: Commandant of Midshipmen
Via: (1) Officer Representative, Brigade Honor Committee
(2) Staff Judge Advocate

Subj: Violation of the Honor Concept of the Brigade of Midshipmen, case of Midshipman Fourth Class W. T. DOORE , _____ Company

Encl: (1) Charge Sheet
(2) Report of Class Investigating Board with Enclosures
(3) Additional Statements
(4) Annotations of Tape
(5) List of Men Present at Proceedings
(6) Recommendations of Board Members (Separation/Probation)

1. On the evening of 20 September 1971, the Brigade Honor Committee met to consider the subject possible honor violation.

2. The Investigating Officer, Midshipman First Class W. T. Door, read the accusation to the Board.

3. The accused (elected/did not elect) to make a statement to the Brigade Honor Board. (If an oral statement was made, summarize it. If a written statement was made, refer to it.)

4. Based upon the evidence presented, the Brigade Honor Board has determined the following facts. (A detailed description of the incident showing all of the facts leading up to and surrounding the charged violation.)

5. The findings of the Honor Board are that (a brief statement as to the findings) Midshipman Fourth Class W. T. DOORE lied in violation of the Honor Concept of the Brigade of Midshipmen. (Indicate vote count.)

6. The following was considered in extenuation (list factors considered); or no matters to be considered in extenuation were introduced.

UNITED STATES NAVAL ACADEMY
Annapolis, Maryland 21402

PRIVATE (OFFICIAL)

From: Brigade Honor Committee Chairman
To:
Via: (1) Officer Representative, Brigade Honor Committee
(2) Deputy Commandant
(3) Director, Division of ____________________
(4) Division Liaison Officer with Brigade Honor Committee

Subj: Disposition of Honor Case of Midshipman ____________________

1. This is to inform you of the disposition of the possible honor violation that you submitted on Midshipman ____________________, Class of ________, in the ________ Company.

2. Midshipman ____________________ was found Not Guilty of a violation of the Brigade Honor Concept.

3. The Investigating Officer in this case was Midshipman ______________ Class of ______, in the ______ Company. Should you have any questions about this case, please contact either the Investigating Officer or myself at extension ________.

4. Thank you for your cooperation in this matter.

____
Chairman, Brigade Honor Committee

9 October 1974

USNAINST 1610.3A

UNITED STATES NAVAL ACADEMY
Annapolis, Maryland 21402

____

PRIVATE (OFFICIAL)

From: Brigade Honor Committee Chairman
To:
Via: (1) Officer Representative, Brigade Honor Committee
(2) Deputy Commandant
(3) Director, Division of ____________________________
(4) Division Liaison Officer with Brigade Honor Committee

Subj: Disposition of Honor Case of Midshipman ____________________

1. This is to inform you of the disposition of the possible honor violation that you submitted on Midshipman ____________________, Class of ________, in the ________ Company.

2. Midshipman __________________ was found guilty of a violation of the Brigade Honor Concept. Records of this case with the Brigade Honor Board's findings and recommendation have been forwarded to the Commandant of Midshipmen for his review.

3. The Investigating Officer in this case was Midshipman ______________, Class of ______, in the ______ Company. Should you have any questions about the case, please contact either the Investigating Officer or myself at extension ________.

4. Thank you for your cooperation in this matter.

____
Chairman, Brigade Honor Committee

USNAINST 1610.3A
9 Ocotber 1974

SAMPLE FORM FOR MIDSHIPMAN HONOR INFRACTIONS
REPORTED BY OFFICERS AND FACULTY, U. S. NAVAL ACADEMY

UNITED STATES NAVAL ACADEMY
Annapolis, Maryland 21402

Date ____________

PRIVATE (OFFICIAL)

From: (Reporting Official's Name and Position)
To: Brigade Honor Committee Chairman
Via: (1) Division Liaison Officer with Brigade Honor Committee
(2) Division Director
(3) Deputy Commandant
(4) Officer Representative, Brigade Honor Committee

Subj: Possible Honor Offense

Midshipman - Name ____________ Alpha # ________ Co. ______

The above midshipman is accused of: (Lying, Cheating, Stealing)

Time and date of offense: ____________

Midshipman Witnesses: ____________ Co. ______
____________ Co. ______
____________ Co. ______

Other witnesses: ____________ Position ______
____________ Position ______
____________ Position ______

Circumstances, situation and pertinent facts:

(If necessary, use additional pages)

Reporting Official: ____________ Position ______

Department: ____________ Official Phone Number ______

____
(Signature)

APPENDIX 11

MADN-I

22 January 1975

Mr. Robert E. Huntley
President
Washington & Lee University
Lexington, VA 24450

Dear Mr. Huntley:

The Superintendent of the United States Military Academy has initiated a special study group this academic year to review the Cadet Honor Code and System at West Point. The study group is conducting an historical review of honor, as it has been conceptualized and practiced here over the years, as well as an investigation of current attitudes toward honor within the Corps of Cadets.

As part of this study, we are requesting information pertaining to the honor codes and systems at several colleges and universities throughout the country. We would like very much to learn about your code and system, and to receive any pertinent literature you may have. The study group is particularly interested in sanctions imposed for violations of the code, investigative and administrative procedures, and any unique aspects of your code and system that you feel support its success at your institution.

Your cooperation in our behalf will be most appreciated, and a reply at your earliest convenience would be helpful. We would like to include information received in a preliminary report to be submitted by 1 March 1975.

Sincerely,

GORDON M. CLARKE
MAJ, EN
Member, Superintendent's Special
Study Group

APPENDIX 12

WASHINGTON AND LEE UNIVERSITY
LEXINGTON, VIRGINIA 24450

DEAN OF STUDENTS

February 5, 1975

Major Gordon M. Clarke
Department of Mechanics
Department of the Army
United States Military Academy
West Point, New York 10996

Dear Major Clarke:

President Huntley has asked me to respond to your letter of January 22 concerning the Honor System at Washington and Lee University.

I am pleased to enclose two publications of the Student Body Executive Committee which should be helpful to your study group. In particular, the white booklet entitled The Honor System gives an extensive presentation of its philosophy and procedures.

The Board of Trustees of Washington and Lee in its by-laws has delegated total responsibility for the Honor System directly to the student body, and that responsibility is exercised by the twelve-man Executive Committee. The Honor System remains strong and effective primarily because of that body's dedication to its principles and because of its effective administration on behalf of the entire student body. Permanent dismissal from the University remains the sole penalty upon conviction for a violation.

I hope this information will be helpful. If you have additional questions, I would suggest that you write to Mr. Benjamin L. Bailey, President of the Student Body, at The University Center of Washington and Lee.

Best wishes in your study.

Sincerely yours,

Lewis G John

Lewis G. John
Dean of Students

Written Work and the Honor System
at
Washington and Lee University

⁂

One of the most widely recognized principles of writing today is that each person's written work is his own property and thus enjoys the moral protection afforded by an attitude of intellectual honesty and the legal protection provided by international copyright agreements. This principle, to be sure, has not always been respected. Shakespeare, for example, seems to have felt no need to acknowledge the borrowing of plots for his plays—such borrowing was as much an established practice of his day as the pirating of popular successes which in turn victimized him—and even as late as the nineteenth century a novelist like Dickens was deprived of thousands of dollars by publishers outside England who reprinted his works without making any return to their author. But we no longer regard such practice as either right or legal (when *My Fair Lady* first appeared 16 years ago, its producers couldn't act as if Shaw had never written *Pygmalion*), and the taking of ideas or words from another without proper acknowledgement we now call *plagiarism*. The word is derived from a Latin word meaning to *kidnap* or *plunder*, the Latin word itself having been derived from a Greek word meaning *crooked* or *treacherous*. The etymology, therefore, is illuminating. By whatever word in its long evolution we call it, plagiarism is a dishonest act. It is, quite simply, theft that we have come to consider as reprehensible as the theft of any other personal possession.

Because of the seriousness of plagiarism, the faculty and students of Washington and Lee have long regarded it as a violation of the Honor System that should be dealt with in the same manner as any other form of lying, stealing, or cheating. For this reason every effort is made to explain what plagiarism is and to warn against its dangers. The following statement is a part of this effort and is intended to indicate, as specifically as possible, the application of the Honor System to the written work that you will do at Washington and Lee.

Broadly speaking, written work at Washington and Lee (exclusive of tests and examinations) falls into four general categories, and the Honor System applies to all four. Written assignments differ in their requirements, however, and these differences must be recognized. It is therefore important, first of all, to make sure that you understand fully the assignment and the restrictions imposed upon fulfilling it. But even more important is to keep always in mind this basic principle: *Regardless of the assignment, any attempt to deceive the reader,* i.e., *to try to make him think that what is really someone else's work is your own, is dishonest because it is a form of theft and thus violates the Honor System.*

A. CRITICAL AND EXPOSITORY ESSAYS.

Much of your work at Washington and Lee, as in English 201, will consist of writing short essays on subjects for which no research is permitted. This means that the subjects are ones about which you have already read or thought or are currently studying, and your professor wishes you to write about your own response to them and not about what you have just learned from library materials. But since none of us thinks original thoughts exclusively and so cannot be entirely free of indebtedness to others, even these "independent" essays are to some extent "borrowed." How, then, is plagiarism to be avoided?

1. A simple rule of thumb is this: If you knew a certain fact or held a certain opinion *before* the assignment was made, you need not make a specific acknowledgement (though it is courteous to the source of your information to do so if you can). But if you acquired the information *after* the assignment was made, you must acknowledge your indebtedness. And, unless your professor explicitly allows you to do outside reading to prepare for the paper, you should refrain from doing research on the subject, for no matter how carefully you may try not to be influenced by what you read, some of it will almost inevitably shape what you write. Your best procedure, therefore, is simply to follow the assignment exactly—to write out of your own knowledge and experience.

2. The same principle applies to the use of notes and textbooks from high schools and preparatory schools. What you *remember* from these is essentially your own, but to *reread* them before preparing your paper is really to do research on the subject. Again, therefore, you should refrain from reviewing any of this material

unless your professor explicitly allows it, and then you should make specific acknowledgement.

B. RESEARCH OR TERM PAPERS.

The word *research* designates a number of not-altogether-identical activities. A scientist, for example, may engage in research to discover new principles or new materials. The biographer or historian may do research in published materials to see what has already been written about his subject, and then in unpublished materials to learn what can be added. And most of us, at some time or other, have become so deeply interested in a subject that we have read everything about it that we could obtain, and then on the basis of the information that we have so acquired we may have written (or planned to write) a paper presenting what we have learned.

It is this last kind of activity that is indicated by the phrase *research paper*. Since its author is just beginning a study of the subject, he is usually not in a position to contribute anything startlingly new or original, and since he rarely has access to much if any unpublished material he can carry his subject little further than his published sources have already carried it. This does not destroy the value of the research paper, however, nor does it make of the writer merely a slavish imitator. On the contrary, the able student will constantly exercise independence of mind by evaluating his material and eventually arriving at a conclusion of his own. But at the same time he will recognize that the paper is substantially based upon his reading and that accordingly he must acknowledge his indebtedness.

Specifically, the following kinds of indebtedness must be acknowledged.

1. *Facts not of general knowledge.* By "general knowledge" is meant information that can be easily obtained from a dictionary or some other ready source of reference. If, for example, you wrote that Robert E. Lee was born in 1807, you would not have to cite the source of your information, which could be obtained in many obvious places. But if you were to give details of Lee's strategy at Gettysburg, let us say, you would certainly have to indicate the book or article from which you derived your information, which is of a specialized rather than general nature. ***In cases of doubt it is better to err on the side of caution than to***

make no acknowledgement whatsoever. If you are genuinely erudite, no amount of modesty will conceal the fact forever.

2. *Quotations and ideas derived from your reading.* Here it is of the utmost importance to distinguish between plagiarism and a summary which uses information derived from a secondary source, puts it into one's own words, and acknowledges the indebtedness. To illustrate this distinction let us suppose that one has chosen to write a paper on liberalism in the nineteenth century and in the course of his research comes across the following paragraph:

> The liberals of the early nineteenth century ordinarily were middle-class folk. Certain advanced thinkers of the old landed aristocracy made common cause with them, and so too did the majority of workingmen in the cities; but on the whole liberalism found its origin in the rise in the eighteenth century in numbers and influence of what came to be known as the bourgeoisie—manufacturers, bankers, merchants, and professional men, such as doctors and lawyers, who for the most part were dependent on their wits for a living and who generally were not of distinguished lineage. Having been down in the social scale, they were determined to assert their equality with others who had been above them, namely, titled aristocrats, the landed gentry, and the privileged office-owning classes, whether ecclesiastical, military, or political. A few of these liberals were cognizant of a multitude of other men without even the privileges which they possessed—workingmen in cities, farm laborers, and peasants. But they were not apt to think very much about them; and when they did speculate on their lot, they were apt impatiently to assert that the opportunity to rise was free for all, and that laziness, drunkenness, stupidity, or improvidence (particularly in the matter of having children) explained why in large measure these lesser folk suffered hardship. Government, they considered, could do little to alleviate their lot.[1]

Now in order to see the difference between legitimate use of this paragraph and plagiarism, let us examine closely the following four examples.

Example No. 1. *Proper paraphrasing, quoting, and acknowledging:*

> There is a fine irony in the attitude of the nineteenth-century liberals toward the lower classes. They themselves

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[1] W. P. Hall and W. S. Davis, *The Course of Europe Since Waterloo* (New York, 1941), p. 8; used by permission of the publisher, Appleton-Century-Crofts. **Illustrations of the use of this passage follow a pattern suggested in a pamphlet prepared by the University of Virginia.**

> had come very largely from the bourgeoisie who in the previous century had begun to claim equality with the aristocracy. But, as Hall and Davis point out, they were so "determined to assert their equality with others who had been above them" that they were deaf to the claims of those who remained beneath them, such as the urban worker and the peasant. And even when they did think of these claims they tended to declare that each man was free to rise, and if he failed it was only because of his own inertia or vice. The problem was altogether an individual matter, however, and not at all a concern of the government.

Here the writer has largely rewritten the passage, putting it into his own language. And, what is more important, he has taken the idea and turned it to his own purposes; note the emphasis at the begining of the irony of the liberals' attitude.

At the same time, however, he has acknowledged in the text itself that the idea is derived from an outside source (note the phrase, "as Hall and Davis point out"); he has placed within quotation marks the words he has not paraphrased but used directly; and either at the end of the paragraph or at an appropriate place within it (such as after the phrase or the quotation noted above) *he will have placed a footnote* acknowledging the source from which he has worked in writing the paragraph.

Example No. 2. *Excessively close paraphrase as plagiarism:*

> Liberalism, as Hall and Davis have shown, originated in the rise of the bourgeoisie during the eighteenth century. The members of this class, having gained in social position, were now "determined to assert their equality with others who had been above them"—titled aristocrats, land-owning gentry, and privileged office-holders. Some of these liberals knew that most people did not enjoy the advantages that the middle class now possessed, but they were inclined to ignore those unfortunates who were still beneath them, or when they did think of them to say that the poor were responsible for their plight and that there was nothing the government could do to alleviate their condition.

Although at the outset the writer acknowledges the source of his idea (with the phrase, "as Hall and Davis have shown," which will of course be accompanied by a footnote), he misleads the reader by directly quoting one passage and thus implying that the remainder of the paragraph is written in his own language. But it is not. The phrase "titled aristocrats" is from the original; "land-owning gentry" and "privileged office-holders" are only slightly different from "landed gentry" and "the privileged office-owning classes"; and "alleviate their condition" is identical to "alleviate their lot" with the exception of the change in a single word.

To paraphrase is to *restate,* to give the meaning in a different form. All that has been done in the phrases above is to plagiarize under the guise of paraphrase.

Example No. 3. *Plagiarism of an idea:*

> I do not believe that prosperity usually leads to a compassionate concern for one's fellowman. Take, for example, the liberals of the eighteenth century. From humble origins they had risen in both wealth and political power, but instead of being sympathetic toward the needs of those who were now clearly beneath them, such as the urban or rural laborer, these new members of the middle class smugly concluded that they had elevated themselves by their own intelligence and industry. If others were less fortunate, they said, it was their own fault. Nor should they look for assistance to the government, which could do nothing to overcome the indolence and ignorance of the poor.

Unlike the second example, this passage has no verbal parallels that are so close as to constitute plagiarism. But at the same time the writer, like the writer of the second example, has attempted to deceive the reader. Beginning with the statement, "I do not believe," and neglecting throughout the paragraph to mention his outside source, he has given the impression that both his argument and his illustration are his own. But they are clearly not. Except for the truism with which it opens, all of the ideas for the paragraph have been directly borrowed, and the writer who takes ideas without proper acknowledgement is as guilty of plagiarism as the writer who takes words without proper acknowledgement.

Example No. 4. *Wholesale plagiarism:*

> The liberals of the early nineteenth century were usually middleclass folk. They originated in the eighteenth century from what came to be known as the bourgeoisie—manufacturers, bankers, merchants, and professional men, such as doctors and lawyers, who for the most part were dependent on their wits for a living and who generally were not of distinguished lineage. Having been down in the social scale, they were determined to insist on their equality with others who had been above them. A few of these lib-

> erals were aware of many other men without even the privileges which they possessed—workingmen in cities, farm laborers, and peasants. But they were not likely to think very much about them; and when they did think about their lot, they were likely to say that the opportunity to rise was free for all, and that laziness, drunkenness, stupidity, or improvidence (especially in the matter of having children) explained why in large measure these lesser folk suffered hardship. Government, they said, could do little to alleviate their lot.

The writer of this passage is guilty of patent dishonesty. In the first sentence he has changed "ordinarily" to "usually" and placed it after the verb. He has eliminated everything that precedes the semicolon in the second sentence and a phrase ("in numbers and influence") that follows later, and to accommodate these changes he has slightly altered the wording in the latter portion of the original sentence. In the third sentence he has changed "determined to assert" to "determined to insist on" and has omitted the series which is introduced by "namely." And in the last three sentences he has made several changes in diction—"aware" for "cognizant," "many" for "a multitude of," "likely" for "apt," and so on. Despite these changes, however, the paragraph is in no sense the writer's own. He has, to be sure, made changes in each of the six sentences. But to alter a word here or omit a phrase there does not make the passage his own, and consequently it remains a flagrant case of plagiarism, for neither the thought nor the form in which it is expressed is his.

C. BOOK REPORTS

In some courses you will be asked to write short papers reporting on your reading. Both the assignment and the title of your paper should be proper acknowledgement that the paper is based on a book that you have read, but you must nevertheless still be careful to avoid plagiarism in the writing itself. That is, your report must *not* be a close paraphrase of any portion of the book or of published book reviews, or a series of close paraphrases of these. It should summarize, and if you use actual phrases or sentences from the book you *must enclose them in quotation marks.*

D. CREATIVE OR IMAGINATIVE PAPERS.

Sometime at Washington and Lee, either for a specific course or for the Mahan contest, you may write a sketch, a short story, a poem, a play, or even a novel. If you do, you will probably write it out of a complex of experiences and reading. In such a case, of course, no acknowledgement is required or even possible. But if you are aware of specific indebtedness—that the story, let us say, closely parallels one that you have read—you should so acknowledge in your pledge. Literary allusions or obvious quotations (e.g., "To be or not to be: that is the question") need not, of course, be acknowledged.

In addition to the principles already explained, the following will likewise govern written work at Washington and Lee:

1. *Typed papers.* If a paper is to be typed by someone other than the student himself, the student is responsible for explaining to the typist that the manuscript is to be followed exactly.

2. *Assistance in spelling, grammar, punctuation, etc.* The actual composition of the paper must be the student's own work, down to the most minute detail of the writing. If he needs assistance, therefore, he should refer to his dictionary or composition handbook or consult his professor, but he should avoid seeking the assistance of a fellow student. *Help obtained from anyone other than the professor himself must be specifically acknowledged.*

3. *The pledge.* Written work should contain the entire pledge—"I pledge that I have neither given nor received any unacknowledged aid on this paper"—and not just the word "Pledged." Work will be treated as pledged, however, even if the pledge is omitted.

One last comment, perhaps the most important of all. If you have any doubt whatsoever about whether or not to acknowledge indebtedness, *consult your professor before handing in the paper,* or include a statement in the paper explaining your doubt. And if you have any question about the application of the Honor System to a particular matter, *speak with a member of the Executive Committee of the student body.* But whatever you do, do not try to deceive either yourself or others that someone else's work is your own. The adage that honesty is the best policy is no less true for being a truism.

COMMONWEALTH OF VIRGINIA

VIRGINIA MILITARY INSTITUTE
LEXINGTON, VIRGINIA
[illegible]

THE SUPERINTENDENT

7 February 1975

Major Gordon M. Clarke
Department of Mechanics
Department of the Army
United States Military Academy
West Point, New York 10996

Dear Gordy:

The Honor Code and Honor System at the Virginia Military Institute have existed since the Institute was founded in 1839. The code has some written guidelines, but is based on the principle that all cadets must conduct themselves as gentlemen who do not lie, cheat, or steal, and it applies to all phases of a cadet's life at VMI.

The honor system is enforced and administered by the Corps of Cadets. Two faculty members are appointed as the Superintendent's representatives to the court, but they serve only in an advisory capacity to insure that correct administrative procedures are followed and that the rights of the accused are not violated.

Enclosed are several documents that will provide you with some information concerning penalties and administrative and investigative procedures. The long sheet entitled "Virginia Military Institute, The Honor System" is the only written guidelines of the system. This is posted in every cadet's room and in every classroom. The remaining documents relate to investigative and administrative procedures of the honor court. The UCMJ is the basic document used when determining admissibility of evidence, elements of proof, and trial procedure.

It should be mentioned that a cadet is seldom taken to trial for the offense for which he is initially reported. Since the only penalty for a cadet found guilty is dismissal, investigations are thorough and often extend over several days. This is a time-consuming and painstaking task for the cadets involved, but has resulted in a reputation of fairness and thoroughness that is essential if the Corps is to enforce the system. The VMI Honor System has always enjoyed the strong support of the Corps of Cadets, the faculty, and the alumni who take great pride in their honor system.

When faculty or staff members discover honor code violations, the cases are referred to a faculty Board of Inquiry composed of not less than five members including normally two cadets. The Board recommends appropriate action to the Superintendent who makes the final decision.

Major Gordon M. Clarke
7 February 1975
Page 2

I hope this information will be of use to you in preparing your report. If you need additional information or want to discuss specific points in more detail, don't hesitate to get in touch with me.

With kind regards.

Sincerely,

Richard L. Irby

Richard L. Irby
Major General
Superintendent

HONOR COURT PROCEDURE

1. Suspected violations of the VMI Honor Code are reported to the prosecutors or the president.

2. When a suspected violation is brought to the prosecutor, he then assigns another member of the Court to assist him in the investigation of the suspected violation.

3. If the prosecutor decides that the suspected violation warrants further consideration, he brings the information related to the case to the Superintendent's Representative.

4. If, after reviewing the information, the Superintendent's Representative feels that the evidence warrants a trial, the Superintendent is requested to authorize the case to go to a pre-trial hearing and subsequently to trial.

5. After the approval of the Superintendent is received, the accused, accompanied by his faculty and class advisers, is brought before a pre-trial hearing.

6. At the pre-trial hearing, the accused is informed of his rights, is presented with the charges against him and a list of those preferring the charges as well as a list of witnesses.

7. Having been presented with the case against him, he consults with his advisers and parents, over the telephone, and makes his decision as to whether he will plead guilty or stand trial.

8. If the accused pleads guilty, he is dismissed for reasons satisfactory to the Superintendent.

9. If, however, the accused elects to stand trial, he is given sufficient time to obtain counsel and prepare his case to rebut the Prosecutor's charges at trial.

10. The Commandant and Court members are then notified of the impending trial.

11. At the President's discretion any Court member involved in the case, directly or indirectly, will be replaced by a cadet selected by the President.

12. One of two verdicts, "guilty" or "not guilty", are rendered by the Court.

13. A vote of "not guilty" by three of the eleven voting members acquits the accused. A cadet so acquited is completely exonerated of the charges and bears no stigma.

14. Should the accused be found guilty, the Superintendent is notified and the cadet is dismissed for reasons satisfactory to the Superintendent.

VIRGINIA MILITARY INSTITUTE
Lexington, Virginia

____
(date)

Statement of Arrest and Rights of Accused

Having been placed in arrest by the Honor Court of the Virginia Military Institute, I have this date been granted and informed of my rights as an accused, to wit:

a) the charges against me, with specifications, a copy of which I have been given;
b) the identity of my accusers, and the fact that the charges are preferred against me by the Honor Court;
c) the fact that these charges have been investigated;
d) the identity of witnesses against me insofar as known by the Honor Court at the time of my arrest;
e) the right to have counsel, if I so desire;
f) the right to have my counsel examine any witnesses requested by me;
g) the right to make a statement in any form, but that such statement is not required, and that if made, it may be used as evidence against me in a trial by the Honor Court.

Conditions of Arrest

1) I understand that if I leave the Virginia Military Institute without proper authority while in arrest by the Honor Court, that this matter will be so entered in my record and will be considered as an admission of quilt.

I sign this statement voluntarily, without coercion, and I understand that my signature hereto implies neither clemency nor reprisal.

____
(signature)

____
(name typed)

Cadet ____________ ____Class

Official:

____
President, VMI Honor Court

____
Prosecutor, VMI Honor Court

____
Faculty Adviser

VIRGINIA MILITARY INSTITUTE
Lexington, Virginia

The Honor Court

____
(date)

Charge Sheet

Accused ____
(first name, middle initial, last name, rank, class with year)

CHARGE: Violation of the Honor Code of the Virginia Military Institute, Article # __________, by ______________________________

SPECIFICATIONS:

(Additional charges and specifications may be set forth on sheets attached hereto.)

These charges have been initiated by: ______________________________
(Identify persons by name, rank and class.) ______________________________
____

and are formally preferred against the accused by the VMI Honor Court.

These charges have been investigated by the Honor Court

Witnesses against the accused insofar as known by the Honor Court at time of arrest:

____
____
____
____
____
____

Prepare in Triplicate
Copies: Honor Court
Defense Counsel (for accused)
Superintendent's Representative

Page 2, Charge Sheet

In addition to the above information, the accused is hereby informed that he has the following rights:

a. to have counsel, if he so desires (the Honor Court has requested a faculty member, now present, to assist the accused in selecting counsel);
b. to have said counsel examine any witnesses requested by the accused;
c. to make a statement in any form. No statement is required, but if made, may be used as evidence against the accused in a trial by the Honor Court;
d. to have properly completed copy of this charge sheet.

The accused is further notified that the limits and conditions of his arrest are as follows:

a. He will consider himself under moral restraint and observe confinement to the limits of the Institute. He will not be placed under guard, or be physically restrained in any way. He will attend all his normal duty and follow his customary daily schedule.
b. If he absents himself without proper authority from the Institute during the period of his arrest by the Honor Court, this matter will be so entered in his record and will be considered as an admission of guilt.

I have this date presented to the accused named herein a properly completed copy of this charge sheet and informed him of all matters pertinent to his arrest.

____
(signature)

____
(name typed)
Prosecutor, VMI Honor Court

OFFICIAL:

____
President, VMI Honor Court

THE HONOR COURT
VIRGINIA MILITARY INSTITUTE
Lexington, Virginia

Date ____________________

I, ______________________________, have on this date been presented by the VMI Honor Court with the charges and specifications against me. With a clear understanding of these charges and specifications, I have elected to plead guilty.

I hereby forfeit any property bearing the insignia of the Virginia Military Institute.

This statement is signed voluntarily without coercion in the presence of witnesses named below. I understand that my signature hereon implies neither clemency nor reprisal.

SIGNED ____________________

Witness: ____________________

Witness: ____________________

USD
University of San Diego
SCHOOL OF LAW

31 January 1975

Major Gordon M. Clarke
Department of Mechanics
United States Military Academy
West Point, New York 10996

Dear Major Clarke:

Your letter of January 21, 1975 to Mr. Joseph Sinclitico, Jr. relating to the current review of the Cadet Honor Code at the United States Military Academy has been referred to me by Dean Donald Weckstein for reply. Mr. Sinclitico is no longer affiliated with the University of San Diego School of Law having accepted an appointment as Dean, University of Puget Sound School of Law.

During the past several months I worked with a committee of faculty and students to revise the Honor Code in effect at this law school. At our most recent faculty meeting the proposed revised Honor Code was approved and will be submitted to the student body for their approval in about a week.

I am enclosing for use by your study group a copy of our proposed Honor Code and copies of some of our working papers and reports which serve to explain the conceptual changes incorporated in the revised code. We believe our Honor Code presents a realistic, workable means of dealing with student infractions relating to academic matters. Our law faculty, sitting as a disciplinary committee, resolves all other cases of reported law student misconduct of significance to the University community. The law faculty disciplinary committee does not include student members. Students whose alleged violations are referred to the law faculty disciplinary committee are given notice of their alleged wrongdoing and are afforded an opportunity to be heard concerning the allegations against them.

Hopefully, the material furnished to you will prove to be helpful. If we can be of further assistance, please feel free to call upon us.

Sincerely yours,

Marvin G. Krieger
Professor of Law

enclosures

UNIVERSITY OF SAN DIEGO SCHOOL OF LAW

HONOR CODE

ARTICLE I – PREAMBLE

We, the students of the University of San Diego School of Law, in recognition of our obligation as prospective members of a profession that is responsible for the administration of justice in our society, and responsible for its own self-discipline, affirm our belief in the following precepts:

1. It is essential to the welfare of the legal profession and those whom it serves that the integrity of all its members and its prospective members be at all times beyond reproach;
2. To be effective, an honor code must depend primarily upon recognition of individual responsibility by those functioning under it.

In reliance on these principles, we institute and adopt this Honor Code.

ARTICLE II – JURISDICTION

The Honor Code shall apply and to the Honor Court shall have jurisdiction over all acts prohibited by Article III of this Honor Code whether committed on the property of the University of San Diego or elsewhere.

ARTICLE III – PROVISIONS

A. Prohibited Acts

The following list of prohibited acts is an exclusive list of violations of the Honor Code.

1. Examination Violations

   It shall be a breach of the Honor Code for a student participating in an examination:

   a. To use prior to that examination any information concerning the actual content thereof unless authorized by the faculty member concerned;

   b. To bring into the room where the examination is being held any materials not authorized by the faculty;

   c. To refer to unauthorized materials during the course of an examination.

   d. To communicate in any manner with any other student subject to the examination concerning any part of an examination until all parties to the communications have completed the examination;

   e. To display consciously one's own examination paper with the intent of aiding oneself or another student, or to look at the examination paper of another student, or to give or receive other unauthorized aid during the course of that examination;

f. To commence an examination before the stipulated time or to continue working on an examination after the announced conclusion of the examination period. Students shall be notified when the examination time has commenced and when it has expired;

g. To fail consciously to comply with duly established examination procedures.

2. Property Violations

It shall be a breach of the Honor Code for any student to take with the intnet to use temporarily or to take with the intent of converting to his own possession, property of another unless the owner has given his consent.

3. Library Violations

It shall be a breach of the Honor Code for any student:

a. to intentionally tear, mutilate, deface, or destroy library materials;

b. To hide library materials;

c. To intentionally remove library materials from the library without compliance with circulation policy as prescribed in the library rules.

4 False Representations

It shall be a breach of the Honor Code for any student to make false representations directly related to any administrative, educational, or professional function of the University of San Diego School of Law.

B. Sanctions

The Honor Court shall have the power to impose an appropriate one or more of the following sanctions for violation of the Honor Code: expulsion, suspension, fine, withdrawal of law school privileges, recommendation of grade adjustment, and censure.

C. Internal Organization and Operation of the Honor Court

1. Title

The provisions of the Honor Code shall be administered by a body entitled "The Honor Court of the University of San Diego School of Law," hereinafter referred to as "The Honor Court."

2. Composition

The Honor Court shall consist of:

a. Six Justices, three of whom shall be members of the faculty, and three of whom shall be students. The Honor Court shall elect a chairman from among its six Justices.

b. A First Alternate and Second Alternate Student Justice.

d. The Honor Court Counsel.

e. A Student Preliminary Examiner and a Faculty Preliminary Examiner.

3. Selection of Members of the Honor Court

a. The Student Bar Association Board, prior to the annual elections of the Student Bar Association, shall nominate a maximum of nine students for the positions of Student Honor Court Justice, Alternate Student Honor Court Justice, and Student Preliminary Examiner and a maximum of three students for the position of Honor Court Counsel. Such nominations shall be based upon written applications and interviews conducted by the Student Bar Association Board.

b. The Student Honor Court Justices, the Alternate Student Honor Court Justices, the Student Preliminary Examiner, and the Honor Court Counsel shall then be elected by popular vote at the annual elections of the Student Bar Association, except that the student members of the original Honor Court shall be elected at a special election.

c. The candidates shall not campaign.

d. At the election each voter shall be allowed to vote for three candidates nominated for Student Honor Court Justice and Student Preliminary Examiner and one candidate nominated for Honor Court Counsel.

e. The three candidates for Student Honor Court Justice and Preliminary Examiner receiving the most votes shall be Student Honor Court Justices, the candidate receiving the fourth highest number of votes shall be the Student Preliminary Examiner, the candidate receiving the fifth highest number of votes shall be the First Alternate Student Justice, and the candidate receiving the sixth highest number of votes shall be the Second Alternate Student Justice. The candidate for Honor Court Counsel receiving the highest number of votes shall be the Honor Court Counsel.

f. Student Justices, Student Alternate Justices, the Student Preliminary Examiner, and the Honor Court Counsel shall serve from May 1 to May 1.

g. Non-attendance in the School of Law during any fall or spring semester shall terminate the term of office of the Student Justice, Student Alternate Justice, Student Preliminary Examiner, or Honor Court Counsel so absent and a vacancy shall exist.

h. All Student vacancies shall be filled by appointment by the Student Bar Association Board.

of the Law School from the members of the faculty.

4. Service on the Honor Court of Justices and Alternate Justices
   a. The six Justices shall serve as the body to hear and decide matters brought before the Honor Court.
   b. If any Student Justice is unable to attend a session or is disqualified from hearing a matter, an appropriate Alternate Student Justice shall serve in his place for the remainder of the sessions on the particular matter.
   c. If the First Alternate Student Justice is unable to serve for any reason in a case, the Second Alternate Student Justice shall serve for that case.
   d. If there are, for any reason, insufficient Student Justices and Alternate Student Justices to form a court to hear a case, the Student Bar Association President shall appoint sufficient ad-hoc Student Justices to fill the temporary vacancies until the regular Student Justices and Alternate Student Justices can resume their posts or until the Student Bar Association Board can fill the student vacancies.
   e. If, for any reason, there is a permanent student vacancy on the Honor Court, the First Alternate Student Justice shall fill such vacancy, the Second Alternate Student Justice shall become First Alternate Student Justice, and a new Second Alternate Student Justice shall be selected by the Student Bar Association Board.
   f. The Alternate Faculty Justice shall replace, for a particular case, a Faculty Justice who is unable to serve. The Dean of the Law School shall make new appointments of Faculty Justices and Faculty Preliminary Examiner whenever vacancies occur among the original appointees.

5. Honor Court Counsel

   The Honor Court Counsel shall act as prosecutor and be responsible for gathering evidence in all cases of alleged breaches of the Honor Code. He shall be responsible for:
   a. Acquiring a written statement from the accused, if the accused so desires, and the complainant and from any other witnesses whose testimony may be instrumental in the exposition of the entire truth in the case; and
   b. The oral presentation and amplification of the evidence against the accused at the formal hearing, as outlined below.

6. The Preliminary Examiners
   a. The Preliminary Examiners shall sit in at the preliminary hearing, as set out below.
   b. If the Student Preliminary Examiner is unable to serve at any

appoint a student to sit in his place for that hearing only.

7. Honor Court Rules

The six Justices of the Honor Court shall have the power to enact rules and regulations for the operation of the Honor Court which are not inconsistent with the Honor Code.

D. Enforcement Procedure

1. Statement of Facts

a. Any person who has reasonable cause to suspect a student of violating the Honor Code should file a statement of facts with the Honor Court Counsel without unreasonable delay. If the Honor Court Counsel is not reasonably available, he shall present the statement to any member of the Honor Court who shall transmit it directly to the Honor Court Counsel.

b. The statement of facts shall contain all information relating to the alleged breach, including the names of all known witnesses.

2. Preliminary Hearing

a. As soon as practicable after receiving the statement of facts, the Honor Court 'Counsel shall present the statement of facts and present evidence which he has to the Student Preliminary Examiner and the Faculty Preliminary Examiner at the preliminary hearing.

b. If either the Student Preliminary Examiner or the Faculty Preliminary Examiner finds that the written statement of facts and the other evidence presented constitutes probable cause to believe that the accused committed a breach of the Honor Code, he shall notify the other members of the Honor Court and request that the Honor Court hold a Final Hearing of the cause.

c. If both the Student Preliminary Examiner and the Faculty Preliminary Examiner believe that the written statement of facts and the other evidence presented do not constitute probable cause to believe that the accused committed a breach of the Honor Code, no further action shall be taken and the accused shall be so notified.

3. Notice of Charges and Hearing

A copy of the written statement of facts and a copy of the Honor Code shall be delivered to the accused by registered mail sent to his local address of record. Such notice shall be placed in the mail within seventy-two (72) hours after the final hearing is requested.

4. The Hearing

a. The final hearing for determination of the accused's innonence or guilt shall be held not less than seven days nor more than twenty-one (21) days from the time notice of charges is mailed to the accused as prescribed in Article III, Section D.3 above.

the hearing shall be delivered to the accused by registered mail sent to his local address of record. Such notice shall be placed in the mail not less than ninety-six (96) hours prior to the hearing.

c. The accused shall have an election of an open or closed hearing.

d. The case shall be presented in the following manner:

  (1) The Honor Court Counsel shall read the complainant's written complaint.

  (2) The accused or his counsel may then, if the accused so desires, present a statement, written or oral.

  (3) The Honor Court Counsel shall present the case on behalf of the complainant.

  (4) The accused or his counsel shall then present his defense.

  (5) The Honor Court Counsel shall then present his closing argument.

  (6) The accused or his counsel shall then present his closing argument.

e. The accused or his counsel may question any witness, may reply to such witness' testimony in his own words, and may call witnesses of his own to refute or explain such testimony.

f. The Honor Court shall have the right to ask any questions or call any witnesses.

g. The accused shall have the right to be represented by the counsel of his choice. If the accused desires an individual to serve as counsel either from the faculty or from the student body, the Honor Court shall make available to the accused, at his request, a list of faculty members and students willing to serve as defense counsel. The Honor Court shall be responsible for maintaining such a list.

h. Formal rules of evidence shall not be applicable to the proceedings established under the Honor Code.

i. All relevant evidence to which the Honor Court has access shall be made available to the accused at his request. This availability shall include evidence in the posession of the Honor Court Counsel.

5. Record

A recording or other verbatim record of the Final Hearing shall be made.

6. Determination of Innocence or Guilt

a. After the close of the hearing the Justices shall discuss the matter in closed session.

b. The Justices shall vote "guilty" or "not guilty."

doubt that the accused is guilty.

d. Unless five or more Justices concur in voting "guilty," the accused shall be considered "not guilty."

7. Sanctions

If the Honor Court determines that the accused is guilty of violating the Honor Code, it shall determine, by at least a two-thirds vote of the Honor Court, a sanction to be imposed.

8. The Opinion of the Court

a. Whether or not the Honor Court determines that the accused is guilty, the Honor Court shall express its verdict in writing within seven days of the hearing.

b. Upon a determination of "guilty" or "not guilty" the Chairman of the Honor Court shall deliver to the accused an opinion reciting the facts found, the finding, and the sanctions, if any.

c. A copy of the document referred to in b, immediately above, shall be placed in a special file maintained in the Reserve Room of the Law Library within twenty-four hours of final determination and shall remain there for two weeks during which classes are in regular session. Any student enrolled in the University of San Diego School of Law shall have access to the file upon request.

9. Extension of Time Limits

All time limits listed above may be extended or shortened by action of the Dean of the School of Law upon petition to the Dean by the accused.

10. Rehearing

a. Nothing in this Honor Code shall preclude the accused from petitioning the Honor Court for a rehearing. Such a petition must be filed with a member of the Honor Court within seven days following the delivery to the accused of the opinion of the Court. The petition should set forth with particularity the reason or reasons for the belief that a rehearing is justified.

b. If three or more Honor Court Justices decide that the petition presents an adequate basis for further consideration by the Honor Court, a rehearing will be ordered at the earliest practicable date.

ARTICLE IV – AMENDMENT OR REPEAL

A. Amendment or Repeal Procedure

The Honor Code may be amended or repealed at any time during the fall and spring semesters. To initiate such amendment or repeal, a petition containing the signatures of fifteen (15) percent of the student body and setting forth the proposed amendment or repeal shall be presented to the Honor Court. The proposed amendment or repeal shall be posted on the law school bulletin board within twenty-four (24) hours of faculty approval. After the proposed amendment or repeal has been so posted for two weeks, the Student Bar Association Board shall conduct an election of the entire student body of the School of Law on whether the proposed amendment or repeal shall be approved. The proposed amendment or repeal, to become effective, must receive the approval of sixty (60) per cent of the students registered in the School of Law. Voting shall be by secret ballot.

B. Alternate Method of Proposal

Such amendment or repeal may also be proposed by resolution containing the proposed amendment or repeal approved by a majority of the Justices on the Honor Court. Such a proposed amendment or repeal must be posted and approved or rejected in the manner prescribed in Part A of this Article.

C. Faculty Approval

Any proposed amendment must, before submission to the student body, be tentatively approved by the faculty.

D. Severability

Invalidation of any part of the Honor Code shall not affect the validity of the rest of the Honor Code.

ARTICLE V – ADOPTION PROCEDURE

A. Method of Adoption

The Honor Code must be approved in a special election by sixty (60) per cent of the students registered in the School of Law, voting by secret ballot.

B. Distribution of the Honor Code;

Each entering student shall be given a copy of the Honor Code at registration and every other student shall be given one upon request.

(c) **Conversation.** It is poor manners to use "uh huh" or similar expressions in talking to strangers, older people, or your superiors. Say "Yes, sir" or "No, sir." In talking to a woman, it is proper to say "Yes, indeed" or "Surely." Your conversation should not contain juvenile terms and you should avoid such uncultured terms as "Yeah" and "Nope" and other slang expressions. Above all, remember to whom you are talking and gauge your conversation accordingly.

SKULL AND SWORDS

The Senior Secret Society, better known to the Corps as the Skull and Swords, was founded in 1921 in order that the traditions of Norwich might be preserved and maintained. The Skull and Swords is made up of no less than six but no more than eight members, who have found meaning by helping deserving members of the Corps, while always keeping the best interest of the University in mind.

The eight, bound in spirit and one in mind, are able to help cadets placed in unfortunate circumstances by maintaining a close relationship with state and local law enforcement agencies.

Its members, chosen each year from the Junior Class, must show strong traits of honor and unquestionable loyalty to the University. The members this academic year are:

John W. BRODERICK
James P. CAREY
Colin C. COFFUA
Scott A. FERNALD
Lester H. GROAT
Jonathan D. LYNCH
Jeffrey T. STRAW
William F. TANNER, Jr.

CORPS HONOR COMMITTEE 1974-75

Alan F. DeFOREST, Chairman   Robert E. DUFRESNE, V-Chairman
Colin C. COFFUA, Recorder

John W. BRODERICK
Scott A. FERNALD
John J. KAUTZ
Jonathan D. LYNCH
David F. MATHEWSON
Thomas C. OWSKEY

Jeffrey T. STRAW
John B. WADSWORTH, III
Thomas H. WRIGHT

THE HONOR CODE

"Men may be inexact or even untruthful in ordinary matters and suffer as a consequence only the disesteem of their associates or the inconvenience of unfavorable litigation, but the inexact or untruthful soldier trifles with the lives of his fellow men and with the honor of his government . . ."

Secretary of War
Newton D. Baker

Introduction

The Honor Code is published for the information and guidance of the Corps of Cadets, faculty, and staff of Norwich University in their interpretation of the Honor Code. This section of the Cadet Handbook sets forth the principles and procedures which are followed in implementing the Honor Code; however, it is not intended to be a detailed set of regulations. Through the interpretation, discussion, and examples herein contained, it is hoped that those referring to this handbook may obtain deeper insight and greater knowledge of the purpose and ideals of the Norwich University Honor Code.

The Norwich University Honor Code is maintained and administered by the Corps Honor Committee, under the supervision of the Commandant of Cadets.

The Norwich University Honor Code provides the foundation for a way of life, and for the development of fundamental attributes of good character. Honor is a virtue which impels loyalty and courage, truthfulness and self-respect, justice and generosity. Its underlying principle is truth. It does, however, require honest dealing and clear thinking.

The application of the principles of the Honor Code to the problems of daily life may sometimes be difficult. If there is a question in your mind concerning the Honor Code, stop and think before you say or write anything. Ask yourself the question, "Am I being completely honest and forthright in this matter?" In your personal efforts to find the truth do not evade the unpleasant facts.

We admire and respect a cadet who is straighforward and honest. Even though he may receive punishment as a result of telling the truth he gains a fine reputation which will follow him the rest of his life. Therefore, it is better to tell the truth and accept the consequences of your actions.

The Honor Code applies to all Cadets, women students and special matriculants from the day that they first enroll at Norwich until the day that they graduate, and it follows them, both at the University and away. Those cadets who find that they cannot abide by the principles of the Honor Code may be dismissed from the University or less severely punished as provided in the regulations. For a vast majority of the Corps, however, the Honor Code is a source of great pride, and the very basis of a complete and honest education.

The History of the Honor Code at Norwich University

In addition to its fine reputation as the oldest private military college in the United States, Norwich University has long enjoyed a reputation for developing leaders imbued with the highest principles of honor. These principles, although not formalized during the first century and a quarter of the University's history, nevertheless instilled the traits of honesty and integrity in those men who graduated from the "Hill". In the fall of 1951, Major General Ernest N. Harmon, U.S.A. (Ret.), President of the University, laid the foundation for a formalized Honor Code at Norwich. A nation-wide study of collegiate honor systems was conducted by Major General Oscar R. Cauldwell, USMC (Ret.), then Commandant of Cadets, and many elements from the Honor Codes of West Point, Annapolis, and Williams College were adopted to form the basis of the Norwich University Honor Code. The members of the Senior Honor Society, Skull and Swords, and other leaders in the Corps of Cadets that year worked with the President and the Commandant to formulate the structure necessary to administer and maintain an Honor Code. The Corps of Cadets stood behind the Code to a man, and it was through its support, coupled with the diligent work of the administration and members of the first Honor Committees, that the Norwich University Honor Code came into being. Now, more than two decades later, one may look back on the history of our Honor Code and see that its principles and growing traditions have had a lasting effect on our Alma Mater.

The Principles of the Honor Code

The Honor Code of Norwich University is based on the principles that a cadet will not lie, cheat, evade the truth, conspire to deceive, nor steal. Stated in even simpler terms, the Honor Code requires that every cadet conduct himself at all times in a completely honest and forthright manner. The fundamental nature of these principles precludes the necessity for legislating detailed regulations to govern conduct in matters of Honor for in the interpretation of the foregoing principles the spirit is always sought. Quibbling or evasiveness is never tolerated.

Administration of the Honor Code

The ultimate responsibility for the success or failure of the Honor Code rests with the Corps of Cadets, for without the support and cooperation of the Corps, the principles of honor at Norwich would become a collection of meaningless words.

Each year the upperclass members of the Corps elect from their ranks cadets to administer, enforce, and perpetuate the Honor Code. The members of the Corps Honor Committee are elected from the Senior

Class, and it is their responsibility to maintain the spirit and traditions of the Honor Code within the Corps, to indoctrinate new cadets in the principles of honor, to insure understanding and appreciation of the principles and interpretation of the Honor Code, and to administer the Code within the Corps. The Junior and Sophomore Honor Committees aid and assist the Corps Honor Committee in the execution of its mission.

The Commandant of Cadets is responsible for supervising the administration of the Honor Code. In this capacity he aids the Corps Honor Committee and Class Honor Committees in the discharge of their duties and responsibilities.

The President of the University must approve the reports of all Honor cases before final action is taken. He also reviews all proposed changes of policy which are related to the Honor Code, and has final jurisdiction in all matters pertaining to the code.

New Cadet Indoctrination

All freshmen and new cadets undergo a period of honor indoctrination during their first semester in residence at Norwich University. The purpose of this indoctrination is to instill in them the principles and ideals upon which the Honor Code is founded.

The Honor Indoctrination consists of weekly lectures by the Corps Honor Committee, supplemented by discussion periods in which the members of all honor committees participate. The indoctrination in Honor is designed to facilitate the adjustment of new cadets to the standards of Honor required at Norwich and to illustrate for them the proper application of the principles of honor in cadet life. At the end of the indoctrination period each cadet is given a written examination on the Honor Code.

Freshmen and new cadets are placed on a probationary status during their first semester in residence. During the probationary period a cadet who is found guilty of violating the Honor Code may be suspended from the University, or less severely punished, depending upon the circumstances surrounding the case.

Violation of the Honor Code

A violation of the Honor Code is defined as any act of lying, cheating, attempting to evade the truth, conspiring to deceive, or stealing. Any action which is dishonest or evasive is a violation of both the spirit and the principles of honor. A cadet is either honest or he is not!

A cadet who is found guilty of stealing or aiding a theft may be promptly DISMISSED from Norwich University. In the determination of guilt, the actual or intrinsic value of the object stolen is of no consequence, for the important fact to be considered is that all cadets must respect the property of others.

The appropriation of the property of another, without his or her consent, although the intent to permanently keep that property is not present or can not be proven, is nevertheless a violation of the Honor Code.

Lying, evasiveness, and deceit are closely related violations of the Honor Code for all three are predicated upon dishonest action which is designed to prevent the whole truth from being known. All cadets are expected to be completely honest and forthright at all times, and any cadet who is unable to live up to the spirit of this requirement is unfit for membership in the Corps. Half-truths, evasive answers, verbal subterfuge, chicanery, or deceit cannot and will not be tolerated.

The word or signature of a cadet is accepted as his bond, and as such his honesty and integrity is not questioned unless circumstances indicate that he has violated his honor. Each cadet is required to write the following statement (pledge) over his signature on all reports, papers, etc., submitted for academic credit as a reminder and reaffirmation of his bond:

"I have neither given nor received any unauthorized aid in the completion of this paper" (or report, as appropriate).

A cadet's signature on a paper indicates that what he has written or reported is accurate, honest, and complete, to the best of his knowledge.

Learning to live with the Honor Code requires conscious effort and adjustment on the part of some individuals, while for many others the fact of being completely honest is so deeply ingrained that it has become second nature. One must realize that it is far better to face the facts, unpleasant though they sometimes may be, than it is to try to evade the truth. A cadet who makes a mistake or who violates the regulations must never lie or use deceit in an attempt to "cover up". One who uses evasions or deceit compromises his integrity and jeopardizes his standing at Norwich.

Cheating is defined as giving or receiving unauthorized aid or information on a recitation, quiz, examination, or other academic assignment. It is sometimes permissible for cadets to work together on academic problems with the approval of the professor, but it is a violation of the Honor Code for a cadet to copy the work of another cadet and submit it as his own. In the preparation of laboratory reports, cadets who have worked together on the experiment may work together in collecting the data, but conclusions drawn from the data must be their own. In submitting a laboratory report or other report which has involved the efforts of other cadets their names must be listed on the report as members of the work party.

PLAGIARISM is a form of theft. The plagiarist appropriates the words or ideas of someone else and puts them to a specific use. In this way he gains credit for the work which belongs originally to another. Most colleges consider plagiarism a major offense.

Students frequently ask, "But aren't we in college to absorb ideas from textbooks and lectures in order to apply them in our own pursuits?" Yes, of course. All of us in our daily lives use information originally unearthed by others and conveyed to us in a variety of ways. But such information we have made our own. We have absorbed and digested it. We have sifted ideas. We have refocused or expanded them. We have modified opinions and altered language and marked our work with our individual stamp. Those responsible for our education and upbringing have intentionally given us information. They have wanted us to use it, and they are happy when we do.

Plagiarism occurs when, anxious for credit, the writer seizes material he has not digested and uses it intentionally as if it were his own.

The most flagrant form consists of direct, verbatim copying. Another form consists of paraphrase or summary of opinions or ideas. Both are easily detectable. One appropriates both language and ideas; the other, in an action perhaps even more culpable, misuses the work of others and by changing original language seeks to conceal the crime.

Since plagiarism is intentional and the result of conscious action, it is easy to avoid. Make your writing your own. Digest opinions and ideas before you attempt to use them. If you must borrow, for instance, in writing a research paper, document your sources. Use footnotes, or endnotes, both for direct quotations and for passages of paraphrase. Provide a bibliography in which you list every source in any way connected with your paper.

At Norwich, plagiarism is a violation of the Honor Code. In order that no misunderstanding may occur, the cadet is advised as follows: the intentional appropriation of a single sentence or the paraphrase of three or more consecutive sentences, without proper acknowledgement of source, constitutes plagiarism.

It is permissible for a cadet to reuse a paper previously prepared for a different assignment or course only when specific advance approval has been granted by the professor concerned.

When an officer of the institution (defined as a member of the faculty or staff) discovers a possible case of plagiarism, the Commandant of Cadets will be notified. He in turn will request a member of the Honor Committee to contact the reporting officer and secure the evidence. If a student discovers a possible case of plagiarism, he should report it directly to the appropriate Honor Committee. The Honor Committee will refer the case to the Academic Integrity Committee which will return an opinion to the Honor Committee as to whether, in fact, plagiarism has technically occurred. Hereafter, the Honor Committee will process the case in the same manner as any other suspected honor violation. It is entirely possible that even though plagiarism does not technically exist in a given case, evidence may be present to warrant a charge of conspiring to deceive together with attendant action by the Honor Committee.

Reporting Honor Violations

Each member of the Norwich University Corps of Cadets is a guardian of the Honor Code, and thus must accept the responsibility for reporting all known or suspected violations of the Honor Code to the Corps Honor Committee. Allegiance to the Honor Code supersedes all personal friendships and loyalty. Whenever a cadet violates the Honor Code he gives himself a dishonest advantage over every other member of the Corps, and in so doing compromises not only his honor, but also the honor and integrity of the Corps.

No individual may assume authority for disregarding an honor violation. All violations which occur must be promptly reported, investigated, and heard, so that justice may be served. A cadet who is innocent of violating the Code has nothing to fear in an investigation or hearing, and a cadet who is guilty of violating the Code does not deserve to have his actions overlooked so that he may continue to disgrace the Corps of Cadets.

Investigations of Alleged Honor Violations

Honor violations which are reported to any member of the Honor Committee are promptly investigated by members of the Corps Honor Committee. The purpose of such investigation is to gather facts and evidence surrounding an alleged violation. Investigations are conducted in a strictly confidential manner so that unfounded incriminations may not hurt innocent persons.

Upon completion of the investigation all evidence is turned over to the Chairman of the Corps Honor Committee and a written report is prepared. The Corps Honor Committee Chairman will determine from the report if there are sufficient grounds for conducting a hearing.

When in the course of an official investigation at Norwich University, a cadet is asked a question concerning himself in a matter of which he has knowledge, he is expected to answer the question in a forthright and honest manner, except as stated below.

Self Incrimination

No person living under the Honor Code at Norwich University may compel any other person living under the Code to incriminate himself or to answer any question which may tend to incriminate him. No person subject to the Honor Code may request a statement from an accused or a person suspected of an offense without first informing him of the nature of the accusation and advising him that he does not have to make any statement regarding the offense of which he is accused or suspected; that if he does make a statement it may be used against him; and that his silence will in no way be held against him. If an individual does wish to testify or make a statement at a hearing, he then subjects himself to cross-examination.

Corps Honor Committee Hearings

Upon completion of the investigation of a reported honor violation, the Chairman of the Honor Committee will designate the time and place for a hearing. As in the investigative phase, the honor committee hearing is completely confidential. The members of the honor committee, the witnesses and the accused are all personally notified when and where to report.

The Chairman will contact the Chairman of the Junior Honor Committee to obtain sophomore and junior members to sit as silent observers of the hearing. A quorum for an Honor Board shall consist of a minimum of two-thirds of those members of the Corps Honor Committee present for duty at the University. The Chairman of the Corps Honor Committee may in unusual circumstances waive the requirement of a prompt investigation and hearing. In investigations all participants are cautioned not to discuss the matter at hand.

The purpose of a Corps Honor Committee hearing is to determine beyond reasonable doubt if a cadet so accused is innocent or guilty of violating the Honor Code of Norwich University. The responsibility for making that decision rests squarely upon the members of the Corps Honor Committee.

In the conduct of honor committee hearings an accused cadet is informed of the charges against him, he is informed of the punishment for violating the Honor Code, and he is then asked how he pleads. If a guilty plea is entered, the defendant is questioned, witnesses are questioned individually, and all evidence in the case is carefully reviewed. The accused cadet will be present during the entire hearing of witnesses and is always allowed to make a statement in his own behalf.

The accused cadet is allowed to have a counsel of his own choice selected from one of the three committees.

When the Chairman of the Honor Committee feels that all necessary testimony and evidence has been heard, he conducts a closed discussion of the case with the committee, and at the termination of that discussion a secret ballot is taken. To arrive at a finding of Guilty, three-fourths of the members present must vote Guilty.

If an accused cadet is found innocent by the Corps Honor Committee, all charges and proceedings are dropped. If a cadet is found guilty of violating the Honor Code, a report of the hearing is immediately rendered to the Commandant of Cadets.

Disposition of Honor Cases

When the Commandant receives a report from the Corps Honor Committee he immediately summons that cadet before him and explains the procedure whereby he may appeal to the President of the University. If no appeal is desired, the report of the Corps Honor Committee is then reviewed by the Commandant for final action. If the cadet requests an appeal, the Commandant will review the case and cause appeal action to be initiated as explained in the regulations.

The final disposition of cadets found guilty of violating the Honor Code at Norwich University is as follows:

1. A cadet found guilty of stealing will be DISMISSED from Norwich University and the Corps of Cadets.
2. A cadet found guilty of a violation of the Honor Code other than stealing may be suspended from Norwich University and the Corps of Cadets for one year or less severely punished.
3. Any cadet who reports himself as violating the Honor Code for any offense (other than stealing) prior to being reported or confronted by another person may receive punishment less severe than suspension from the University, except where evidence indicates premeditation.
4. Cadets who are found guilty of a second violation of the Honor Code will be DISMISSED from Norwich University and the Corps of Cadets.

Conclusion

The foregoing explanation of the Honor Code may tend to give the impression that matters of honor are treated in a cold, dispassionate manner at Norwich. Nothing could be further from the truth. Each honor case is investigated and heard with great care, and the decision which effects final disposition is based solely on the facts surrounding that case.

However, the purpose of this section of the handbook is to adequately explain the Honor Code so that violations will not occur. It is of vital importance that all cadets understand that the Honor Code is designed to protect them in their daily living, to give greater value to their degrees, and to instill or reinforce in them principles of honesty and integrity which are so essential to a full and rewarding life.

Members of the Corps Honor Committee are entitled to wear the gold star on the right outer sleeve just above the class stripes, on the Class A and Blue blouses.

Members of the Junior and Sophomore Honor Committees are entitled to wear the silver star as specified above.

GENERAL INFORMATION

Chaplin Library

Library hours:

Monday through Friday	0800-2400
Saturday	0800-1700
Sunday	1300-1630
	1830-2400

Circulation of Books:

Books from the general collection circulate for two weeks, with the privilege of renewal. This privilege, however, will not be granted if the book has been requested by someone else.

If a book desired is out of circulation, a request for it may be filed with the library. Notice will be sent when the book is available.

Reserve books are kept behind the circulation desk and are charged out for two (2) hours. Overnight books may not be taken out until one hour before closing time that day and are due back by 9:00 a.m. the next school day. The fine for late reserve books is $1.00 per hour.

The fine for overdue books from the regular collection is five cents per day for each book. An overdue notice is sent shortly after the book is due. Replacement of lost or damaged books is the responsibility of the student.

Smoking is permitted in designated areas. No food or beverages may be brought into the library. The Commandant requires that violations be brought to his attention.

Instruction:

Instruction in the arrangement and use of the library and its various reference aids is given to the freshmen during the first semester of each year.

Department of Mechanics
DEPARTMENT OF THE ARMY
UNITED STATES MILITARY ACADEMY
WEST POINT, NEW YORK 10996

MADN-I

21 January 1975

RECEIVED
JAN 24 1975
PRESIDENT'S OFFICE

Mr. Sanford S. Atwood
President
Emory University
1364 Clifton Rd NE
Atlanta, GA 30322

Dear Mr. Atwood:

The Superintendent of the United States Military Academy has initiated a special study group this academic year to review the Cadet Honor Code and System at West Point. The study group is conducting an historical review of honor, as it has been conceptualized and practiced here over the years, as well as an investigation of current attitudes toward honor within the Corps of Cadets.

As part of this study, we are requesting information pertaining to the honor codes and systems at several colleges and universities throughout the country. We would like very much to learn about your code and system, and to receive any pertinent literature you may have. The study group is particularly interested in sanctions imposed for violations of the code, investigative and administrative procedures, and any unique aspects of your code and system that you feel support its success at your institution.

Your cooperation in our behalf will be most appreciated, and a reply at your earliest convenience would be helpful. We would like to include information received in a preliminary report to be submitted by 1 March 1975.

Sincerely,

Gordon M. Clarke
GORDON M. CLARKE
MAJ, EN
Member, Superintendent's Special
Study Group

Secure your future with U. S. Savings Bonds

ng to cases reported to the Dean with an npanying recommendation. All other records of ic cases will be destroyed.

Section 8. In no case of alleged or suspected nesty will the Dean take action before receiving the Honor Council its recommendation, ing such recommendation is received within a able time after notification to the Council of articular case.

ICLE 6: Honor Pledge

Each student in the College assumes an honor e and shall receive adequate instructions in the r Code. Each professor shall explain to his class e beginning of every quarter any special or ular requirements of this Code as it pertains to urse.

ICLE 7: Amendment

Amendment of these articles shall be by a hirds vote of the Honor Council, with the nt of the administration, subject to ratification majority vote of the Student Body of the ge.

EMORY COLLEGE

EMORY UNIVERSITY

HONOR CODE

THE HONOR SYSTEM

For nearly half a century, academic integrity has been maintained on the Emory Campus through the student-initiated and regulated Honor Code which follows:

PREAMBLE

Upon every individual who is a part of Emory University falls the responsibility for maintaining in the life of Emory a standard of unimpeachable honor in all academic work. The following articles, to be known collectively as the Honor Code of Emory College, are based on the fundamental assumption that every loyal person of the University not only will conduct his own life according to the dictates of the highest honor, but will also refuse to tolerate in others action which would sully the good name of the institution.

ARTICLE 1: Honor Council

There shall be a body to be known as the Honor Council charged with the duties of presenting the honor system to all freshman and new students and of acting as a fact-finding body for the determination of Honor Code violations. The Council shall recommend punishment in cases of dishonesty in academic work.

ARTICLE 2: Membership of the Honor Council

Section 1. The executive head of the Honor Council shall be a chairman, who shall be elected by members of the Council and who shall serve not more than three quarters. He shall be privileged to vote on all questions.

Section 2. There shall be six student members of the Council in addition to the chairman. Students eligible for membership shall be sophomores and juniors in the College. Membership shall be announced the first week in May.

Section 3. A selection committee will work with the Honor Council in the determination of new members. This committee will be comprised of one

College Council member, one Honor Council member, two faculty members and four students-at-large. Except for the one Honor Council member, all the members of this committee will be chosen by the College Council. The committee will draw up a slate of nominees which will be four times the number of vacant seats. The Honor Council may reject this initial slate. If this slate is accepted, the Honor Council reduces the list to three times the number of available positions and returns the list to the committee. After the slate has been cut to two times the number of vacant seats by the committee, the Honor Council makes the final selection of members. The list of proposed members is then submitted to the College Council for approval. Contents of the list will be made public after College Council approval.

ARTICLE 3: Jurisdiction

The Honor Council shall handle only those cases which pertain to the academic work of a student.

ARTICLE 4: Reporting Cases

It is the responsibility of every member of the faculty and student body to cooperate in supporting the Honor system. In pursuance of his duty, any individual, when he suspects that a case of dishonesty in academic work has occurred, shall report this suspected breach to the Honor Council or to the Dean of the College.

ARTICLE 5: Procedure in the Hearing of a Case

Section 1. All cases reported to the Council shall be pursued by an investigation and gathering of factual evidence and a meeting of a faculty adviser of the Council and a member of the Council with each person involved. There shall be a separate meeting for each individual involved.

Section 2. Each student shall be informed in writing of the reasons for the proposed preliminary meeting with the faculty adviser and a member of the

Council. A written copy of the Honor Code wil
given to the student at that time.

Section 3. Each student shall be notified of
right to select a counsel. This right may be waived
the student. Should the student desire a counsel,
counsel's role shall be to aid and advise the stud
throughout the proceedings and to appear with
before the Council, at which time he may confer
the student and/or make contributions to the Cou
which may help clarify the issues at hand. Nei
student nor counsel shall have the right
cross-examining witnesses. The Honor Council s
assure the student a selection of faculty mem
who are familiar with the procedures of the Cou
and the rights of students and who are competen
matters of counseling and concerned with the wel
of the student.

Section 4. All matters upon which a deci
may be based must be introduced into evidence at
proceeding before the Council and the fac
adviser. The decision shall be based solely upon
matter. The Honor Council shall be allowed
possible latitude in determining whether a viola
has occurred and shall itself determine the vali
and pertinence of evidence.

Section 5. All deliberations of the body sha
secret. Strict and complete confidence shall
maintained between the Council and the indivi
involved.

Section 6. A unanimous vote shall be require
determine an Honor Code violation, and the Cou
shall recommend an appropriate action to the D
The possible recommendations shall include:

a) verbal reprimand and no written record on
student's personal file;
b) Honor Council F in the course on the stude
Personal Performance Record and an F on
Permanent Transcript;
c) suspension; or
d) dismissal.

Section 7. There shall be a concise but thoro
written summary of pertinent evidence and f

The Citadel
Charleston, S. C. 29409
February 4, 1975

Major Gordon M. Clarke
Member, Superintendent's Special Study Group
United States Military Academy
West Point, New York 10996

Dear Major Clarke:

It is a pleasure to be of some help in answering your inquiry about honor codes and systems other than those at the Academy. I believe that the most recent edition of our Honor Manual (1972) and its Supplement (1973), inclosed, contain the answers to your questions.

Yours sincerely,

J. A. W. Rembert
J. A. W. Rembert
Captain, UMSC
Advisor to the Honor Committee

THE HONOR MANUAL

1842

OF THE CORPS OF CADETS

1972

THE CITADEL
THE MILITARY COLLEGE OF SOUTH CAROLINA
CHARLESTON, S. C.

FOREWORD

21 August 1972

To: The Corps of Cadets, The Citadel

The Citadel is one of the few colleges in our country that has an effective Honor System with the objective of developing in young men during their formative years a sense of honor and duty which will remain with them throughout their lives. The Honor System belongs to the Corps of Cadets and without the complete support of the Corps it cannot accomplish its objective. Therefore, each cadet upon enrollment at The Citadel assumes a moral obligation to abide by the Honor Code in his daily living and to cooperate fully in requiring that all other cadets do likewise.

It is also each cadet's responsibility to become familiar with the Honor System as set forth in this Honor Manual. The system is not a complicated one and in essence it states simply that a cadet does not lie, cheat, or steal, nor tolerate those who do. A cadet's point of contact with the Honor System is his company honor representative and he should consult this man, who has been selected by his fellow cadets, when he has any questions about the system or when it becomes his duty to report an honor violation coming to his attention.

The Honor System has my complete, whole-hearted, and unequivocal support. I ask each cadet to give it that same support in order that it can be effective in accomplishing its mission of instilling in each Citadel graduate a sense of honor and duty.

James W. Duckett

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THE HONOR MANUAL

Prescribing The

ORGANIZATION, RULES, AND PROCEDURE

For The

CADET HONOR SYSTEM, THE CITADEL

21 August 1972

SECTION I — The Cadet Honor System

1. *The Honor Manual:* This document prescribes the organization, rules, and procedures for the Honor System of The Corps of Cadets of The Citadel, The Military College of South Carolina, and shall be known, referred to, and cited as The Honor Manual.

2. *The Cadet Honor System:* The Cadet Honor System, for purposes of organization, rules, and procedure, shall consist of four main parts:

The Cadet Honor Code
The Cadet Honor Committee
The Cadet Honor Court
The Honor Court Procedure

SECTION II — Definitions

3. *Definitions:* The following terms when used in this Honor Manual shall be construed as indicated in this section:

a. Honor Representatives shall be construed to refer to those members of the first class who are members of the Honor Committee.

b. Rising Honor Representatives shall refer to those members of the second class who have been elected to the Rising Honor Committee.

c. Accusér shall refer to the cadet or member of the faculty or staff who initially reports a violation of the Honor Code to a member of the Honor Committee.

SECTION III — The Cadet Honor Code

4. *The Honor Code:* The Honor Code is a code of, by, and for The Corps of Cadets. The code states that a cadet does not lie, cheat, or steal, nor tolerate those who do. The code is the heart of the Honor System, and its purpose is to maintain honor and integrity within The Corps.

5. *Violations of the Code:* There are four, and only four, vioations of the Cadet Honor Code. These are:

a. Lying: Making a false official statement. An official tatement is defined as a statement, written or oral, made to a comnissioned officer of the staff or of the faculty of the college, a memer of the guard on duty, or any cadet required in turn to use the tatement as a basis for an official report in any form.

The following procedure will be adhered to in order to revent the Honor Code from being utilized as an investigative tool:

(1) No commissioned officer of the staff or faculty, memer of the guard, or any cadet in an official position, will put a specific uestion to a cadet which might incriminate him unless the following onditions obtain:

(a) An act or incident did occur and it was in vioation of Regulations, SCCC or to the detriment of good order and the nilitary discipline of the Corps of Cadets.

(b) There is sufficient evidence to indicate that the adet being queried was involved or possesses first-hand knowledge bout that act or incident.

(2) If a delinquency report is made on a cadet based upon acts brought out by questioning that cadet and the cadet believes the uestion did not meet the above requirements he will so report in vriting to his company honor representative. The company honor epresentative will inform the Chairman of the Honor Committee, ho will in turn inform the Advisor to the Honor Committee.

(3) The Advisor to the Honor Committee, the Chairman f the Honor Committee, and the Vice Chairman of the Honor Comnittee will investigate the circumstances involved in the incident nd will determine whether or not the question was proper. They vill report their conclusion to the President. If their conclusion is that he question was improper, they will recommend to the President hat the delinquency report and any punishment awarded as a result hereof be revoked. If their conclusion is that the question was proper, hey will call in the cadet involved and explain to him the rationale or their conclusion If the cadet is not satisfied with their explanation, e may appeal to the President in writing.

b. Cheating: Receiving or giving aid on a test or examination. Test or examination includes any work performed for which a grade s received. Plagiarism is a violation of the Honor Code.

c. Stealing: Taking without authority, personal, governnent, or college property.

d. Failure to report a case of lying, cheating, or stealing as defined above to the proper Honor Committee authorities.

6. *Persons Subject to the Honor Code:*

a. All members of the South Carolina Corps of Cadets.

b. All day students enrolled at The Citadel during the regular academic year are also subject to the Honor Code but are not under the jurisdiction of the Honor Committee. Violations of the Honor Code by day students will be reported to the Faculty Advisor to the Honor Committee, who will report the circumstances of the violation to the President for appropriate action.

7. *Ignorance No Defense:* Ignorance of the provisions of the Honor Code shall not be accepted as a defense by the Honor Court.

SECTION IV — The Honor Committee

8. *Members of the Honor Committee:* There is hereby established an Honor Committee which shall consist of the following members:

a. An Honor Representative from each company in the Regiment;

b. An Honor Representative from each battalion in the Regiment.

9. *Selection of Honor Representatives:* Honor Representatives shall be elected by the three lower classes from their own companies and/or battalions not later than the second Wednesday in February of their second class year. The procedure for the selection of Honor Representatives will be as follows:

a. *Election of Company Honor Representatives*

(1) *Nomination:* Each cadet so entitled will vote by secret ballot for a nominee for Honor Representative from the second classmen of his company. These ballots will be counted by the present Company Honor Representative and the Battalion Honor Representative. The names of at least four (4) men receiving the most votes will be presented to the Honor Committee for scrutiny.

(2) *Election:* From the list of names submitted to the Honor Committee, at least two of these names will be approved and submitted to the Company for a final secret balloting to elect the Honor Representative from that Company.

b. *Election of Battalion Honor Representatives*

The runner-up in each company will be submitted to the Battalion for a secret ballot to elect the Battalion Honor Representative.

From the date of their election to the first Monday of May, such electees will be known individually as Rising Honor Representatives, and collectively as the Rising Honor Committee. During this time, they shall observe the operation of the Honor Committee and the Honor Court and learn all things which will prepare them for their future duties as Honor Representatives. They shall elect their Honor Committee Officers in the manner and in the number stated in paragraph 12 following. On the first Monday of May, Rising Honor Representatives shall automatically become Honor Representatives and collectively shall constitute the Honor Committee and as such will assume responsibility for the System with the following exceptions: (1) for the trial of any cases already under investigation; and (2) for the trial of any cases which arise subsequent to this day which involve a member of the first class as the accused.

c. *Replacement of Honor Representatives*

When the Corps returns for the first semester in August, the Chairman of the Honor Committee will determine which companies and battalions do not have an honor representative physically living in the barracks area due to promotion and/or transfer to the regimental or battalion staff or for other reasons. In those companies and battalions where such a situation exists an election will be held for a new honor representative, in order that an honor representative will be readily available to all cadets in the company or battalion area. Those cadets who were elected as company or battalion honor representatives the preceding February and are replaced by the new election will continue to serve as members of the Honor Committee.

10. *Vacancies:* Vacancies on the Honor Committee or the Rising Honor Committee, due to any cause, shall be filled within ten days. An Honor Representative vacancy shall be filled by election from the first classmen by the three upper classes in the company or battalion where the vacancy exists. A Rising Honor Representative vacancy shall be filled by election from the second classmen and by the three lower classes in the company or battalion where the vacancy exists.

11. *Duties of the Honor Committee:* The Honor Committee shall have the following duties:

a. To sit as members of the Honor Court and to try all cases which involve violations of the Cadet Honor Code.

b. To prepare and keep current an "Honor Manual" summarizing the rules and regulations governing its activities.

c. To keep the Corps informed of new interpretations, to explain such interpretations, and by timely and continuing announcements to insure that all have a thorough understanding of the Honor System.

d. To reorient and refresh the upper three classes on the Honor System at the beginning of each academic year.

e. To orient and instruct the new fourth class on the principles, purposes, and practices of the Honor System.

f. To recommend punishment for unintentional violations of the Honor Code to the President.

12. *Honor Committee Officers and Their Selection:*

a. The officers of the Cadet Honor Committee shall be a Chairman, a Vice Chairman, and a Secretary.

b. Officers of the Cadet Honor Committee for the rising academic year shall be elected by and from the Rising Honor Representatives. The election shall be held before the first week of May of the second class year.,

13. *Duties of the Honor Committee Officers:*

a. The Chairman shall:

(1) Preside over the Honor Committee and the Honor Court at all meetings or trials and speak for the Court in announcing the findings and the result of any vote upon a challenge or other question;

(2) Appoint a committee of three members of the Honor Committee to investigate each violation of the Honor Code reported to him;

(3) Fix the hour, date, and place of assembly for the trial of each case after conferring with the accused or his counsel;

(4) Have the authority to summon, and shall summon, any cadet witness requested by the prosecution or by the defense. The request for a witness other than a cadet shall be referred to the faculty advisor.

(5) Designate a defense counsel for the accused at least five days before the trial if he has failed to select a counsel

(6) Be responsible for the fair and orderly conduct of each case tried before the Honor Court;

(7) Rule on all questions raised during the trial other than a challenge for cause. (His rulings may be objected to by any member of the Honor Court in which case the Court will be closed and the question put to a majority vote.)

(8) Upon the request of the accused designate a classmate to sit on the Honor Court in lieu of the Honor Representative as provided in paragraph 21 of this Honor Manual.

b. The Vice Chairman: The Vice Chairman shall act for and perform the duties of the Chairman during the latter's absence nd while so acting he shall be vested with all the authority and rights f the Chairman.

c. The Secretary shall:

(1) Be the recorder of the Honor Committee and shall eep a record of the minutes of all meetings of the Honor Committee and together with the Chairman shall authenticate all written ecords of such meetings;

(2) Be responsible that a full tape recording is made of ach trial before the Honor Court;

(3) Destroy the tape recording and all other records onnected with the trial should the accused be acquitted;

(4) If the trial results in a finding of "guilty," he shall uthenticate the record of trial by recording on the tape the folowing certificate:

> "I, Cadet.., Company........, Secretary of the Honor Committee, do certify that to the best of my knowledge and belief this tape recording is a true and factual record of the court proceedings, except closed court proceedings, in the trial of Cadet.., Company........, Class of 19........."

(5) Submit the tape recording authenticated as indicated bove to The President in case of a finding of "guilty."

SECTION V — The Honor Court

14. *The Honor Court:* For the trial of such cases as are auhorized to come before it, the Honor Committee, except such nembers as may be disqualified, shall function as an Honor Court. he Honor Court shall be the sole and final agency for determining vhether a cadet has violated the Honor Code. Decisions may not e appealed to the Honor Court.

15. *Composition of the Honor Court for Trial Purposes:* For the rial of such cases as may be brought before it, the Honor Court hall consist of ten members drawn from the Honor Committee or substitute classmate as provided for in paragraph 21, following.

16. *Members Disqualified:* The accuser, the accused, investigaing officers, and any members of the Court challenged for cause by he accused and sustained by members of the Court in the case to be ried are disqualified from sitting on the court.

17. *Rights of an Accused:* Any cadet accused of a violation of he Honor Code shall have the following rights:

a. The right to an impartial pre-trial investigation;

b. The right to a fair and prompt trial;

c. The right to call witnesses in his own behalf during a trial;

d. The right to have a classmate sit as a member of the Honor Court which tries him under the conditions prescribed in paragraph 21 of this Honor Manual.

e. The right to cadet counsel of his own choosing;

f. The right to cross examine a witness during a trial;

g. The right to a reasonable time in which to prepare his defense;

h. The right to challenge any member of the Honor Court for cause;

i. The right to resign at any stage of the proceedings;

j. The right to be informed promptly of the specific Honor violation for which he stands accused;

k. The right to know the name of his accuser and the names of witnesses for the prosecution.

18. *Faculty Advisor to the Honor Committee:* At the beginning of each academic year the President shall designate a member of the faculty as advisor to the Honor Committee. The faculty advisor will be present in the Court for each trial in his advisory capacity, except that when the Court is closed for deliberation and voting he shall not be present.

19. *Open and Closed Sessions:*

a. Honor Court trials will be open to members of the Corps of Cadets *only*. Because of the size of the Honor Court Room, attendance at such open trials must be limited. Selections will be made at random from those cadets indicating a desire to attend a specific trial by the Chairman and/or Secretary of the Honor Committee. Any cadet attending the trial must sign a statement that he will not discuss in any manner the proceedings of the court.

b. Any cadet standing trial before an Honor Court shall have the right to be tried in closed court. He will so notify the Chairman of the Honor Court before the beginning of the proceedings.

c. When a session is closed, only members of the Honor Court, the Trial and Assistant Trial Counsels, the accused and his counsel, and the faculty advisor shall be present, except that the Chairman may authorize Rising Representatives and such members of the Honor Committee who for various reasons were ineligible to sit on the particular case to be present.

d. In both open and closed sessions witnesses will be present only during the time they are testifying. The Chairman will announce at the beginning of each trial that the proceedings, to include the findings, are confidential and they shall not be discussed with or mentioned to any person not then present in the Court Room.

). *Voting in Closed Court:* All votings on any question to in-
de the findings shall be in closed Court. When the Court is closed
voting, only members of the Honor Court sitting on the case in
:stion shall be present.

. *Accused May Request Classmate:* If requested in writing by
accused of the second or third classes, a classmate of the accused
ll be appointed by the Chairman of the Court to sit as a mem-
of the Court for the instant case only. This right shall be ex-
ded to an accused of the fourth class after the completion of one
demic semester.

SECTION VI — Honor Court Procedure

. *Officers of the Honor Court:* The officers of the Honor
nmittee shall also be the officers of the Honor Court whenever
Committee shall sit as an Honor Court. Each officer shall perform
respective Court duties prescribed in Section IV of this Honor
ual.

Order of Pre-Trial Procedure: Pre-Trial Procedure shall be
wed in the chronological order outlined in the succeeding para-
hs.

Reporting a Violation: A cadet who knows, or believes he
ws, of a violation of the Honor Code, in conformity with the
or Code, report the violation in person to his Honor Repre-
tive immediately. Any cadet who has unintentionally violated
Honor Code must report himself to his Honor Representative
ediately upon discovery of the violation.

Action by the Honor Representative: The Honor Represen-
e shall determine, based on the evidence of the accuser (reporting
t), whether an investigation is warranted. If he shall determine
an investigation is warranted, he will direct the accuser to write
the facts to include the name of the accused and his class, the
and date of the alleged violation, the nature of the violation,
ny witnesses to the violation. The accuser shall sign the report.
Honor Representative shall present the report to the Chairman
: Cadet Honor Committee.

Action by the Chairman: Upon receipt of the report, the
man of the Honor Committee shall appoint a three-man in-
ating committee from members of the Honor Committee and
designate one of the appointees as chairman of the investi-
subcommittee.

Action by the Investigating Committee: The subcommittee
notify the accused of the Honor Code violation of which he is
ed and advise him of those rights stated in paragraph 17 above.
all be advised of the name of the accuser, and the names of

those witnesses, if any, who will appear against him. The committee shall make a thorough and impartial investigation and report its findings together with its recommendations to the Chairman of the Honor Committee. If the committee recommends the case be brought to trial, and the Chairman accepts that recommendation, the Chairman shall set a time and date for the trial and shall notify the accused of such time and date, and shall notify him of his rights as an accused. Normally a minimum of five days shall be allowed the accused in which to prepare his defense.

28. *Investigating Subcommittee to be Trial Counsel:* Once a case shall come to trial before the Honor Court, the chairman of the subcommittee which investigated the case shall act as Trial Counsel for the trial and shall prosecute in the name of The South Carolina Corps of Cadets of The Citadel. Other members of the investigating subcommittee may act as assistant trial counsel, if so desired by the Trial Counsel.

29. *Duties of Members of the Honor Court:* Members of the Honor Court hear the evidence and determine the guilt or innocence of the accused. Each member sitting on the Court shall have an equal voice and vote with other members in deliberating upon and deciding all questions submitted to a vote or ballot, the Chairman having no greater rights in such matters than any other member. Members shall be dignified and attentive at all times.

30. *Voting:* Each member present when a vote on any question is taken is required to cast a vote. No member sitting on a case may abstain from voting.

31. *Challenges for Cause:* The accused may challenge any member of the Honor Court for cause. Deliberation in voting upon a challenge will be in closed court, and the challenged member shall be excluded. A majority of the ballots cast by the members present at the time the vote is taken shall decide the question of sustaining or not sustaining the challenge. A tie vote on a challenge shall disqualify the member challenged.

32. *Findings:*

a. In analyzing a specific act to determine whether or not it was a violation of the Honor Code it must be determined whether there was a deliberate attempt to deceive, evade the question, or give an erroneous impression. To be an honor violation it must be proven beyond a reasonable doubt that:

(1) The lie or act of deception was deliberate.

(2) There was an intent to deceive and it was dishonorable.

b. A vote of "guilty" by all of the members present at the time the vote is taken will be required to convict an accused of a violation of the Honor Code. All voting will be by secret written ballot. A member designated by the Chairman shall, in each case, collect and count the votes. The count shall be checked by the Chairman who shall announce the result of the ballot to the members of the Honor Court. Findings shall be limited to "Guilty" or "Not Guilty." In cases where the circumstances are considered sufficiently extenuating or mitigating, the Honor Court may recommend leniency to the President.

33. *Announcing the Findings:* The Chairman shall announce the findings of the Honor Court in closed session. Prior to such announcement, he shall insure that the following personnel are present: all members of the Court who sat on the case, the trial and assistant trial counsels, the accused and his counsel, and the faculty advisor.

34. *Action in Case of Findings of Not Guilty:* If the accused is found "Not Guilty," the tape recording of the trial proceedings and all other records connected with the trial will be destroyed.

35. *Action in Case of Findings of Guilty:* If the accused is found guilty and no recommendation for leniency is made, and after he has been so advised, the faculty advisor in the presence of the Chairman of the Court will advise the accused of his rights of appeal as provided for in college regulations. If the accused desires to exercise his right of appeal, the chairman and the faculty advisor in company with the accused will present the case to the President at which time he will be advised again of his rights of appeal and given another opportunity to resign. In the case of a finding of guilty of an unintentional violation of the Honor Code, the Honor Committee will recommend punishment to the President.

SECTION VII — Amendments and Changes

36. *Amendments to the Honor System:*

a. Amendments, modifications, or changes proposed during the first semester of any year must be ratified by a three-fourths vote of the first three classes, and approved by The President.

b. Amendments, modifications, or changes proposed during the remainder of the academic year must be ratified by a three-fourths vote of the Corps of Cadets and approved by The President.

37. *Other Rules and Regulations:* The Honor Committee, with the approval of The President, shall draw up such other rules and regulations as may appear necessary for its internal management and operation.

Supplement
To
THE HONOR
MANUAL

1842

OF THE
CORPS OF CADETS

1973

THE CITADEL
THE MILITARY COLLEGE OF SOUTH CAROLINA
CHARLESTON, S. C.

SUPPLEMENT TO THE HONOR MANUAL, 1972

This is a supplement to the Honor Manual of the Corps of Cadets. It poses questions and answers that highlight the important facets of the Honor Code; however, it should be used only in conjunction with the Honor Manual, 1972. Hypothetical honor cases are also presented to give the new cadet a working basis from which to better understand the Honor System.

This pamphlet should not be utilized by new cadets without proper instruction on the Honor Code by the Honor Committee. Questions and answers or cases that are not understood should be referred to an Honor Committee Representative for clarification.

QUESTIONS AND ANSWERS

1. *Q. When was the Honor Code established at The Citadel?*

A. The origin of the current Citadel Honor Code can be attributed to General Mark Wayne Clark, President of The Citadel from March 1954 to June 1965. Even though the Corps had an unwritten honor code, General Clark proposed that it be written officially. The Corps of Cadets unanimously voted to establish the code and officially did do in 1955.

It should be noted that even though the code was given official sanction and formal structure, the code and system belong to the Cadet Corps. Its life depends on the safeguards against hate and prejudice and the individual Citadel Cadet's ***honor***.

2. *Q. What is an honor violation?*

A. The Cadet Honor Code simply states that a cadet does not lie, cheat, steal, nor tolerate those who do. Any person subject to the Honor Code who violates it by committing any of these four acts intentionally is guilty of an honor violation.

3. *Q. Who is subject to the Honor Code?*

A. All members of the SCCC. All Day Students enrolled at The Citadel during the regular academic year are also subject to the Honor Code but are not under the jurisdiction of the Honor Committee. Any violation of the Honor Code by students other than Cadets are handled by the President through the Advisor to the Honor Committee.

4. *Q. Why is failure to report a case of lying, cheating, or stealing also considered an honor violation?*

A. The toleration of dishonorable acts is a direct threat to the existence of the honor code. Loyalty to this code and all cadets in the Corps living by the code must come before loyalty to an individual. When a cadet observes another cadet lying, cheating, or stealing and does not report the offense, this act of toleration itself is dishonorable because it condones and indirectly approves the original violation. When an individual violates the honor code he breaks the bond that unites him with the rest of the Corps and is not deserving of loyalty and special protection.

5. *Q. What should I do if I believe I have knowledge of an honor violation?*

A In the event you feel you have seen an honor violation committed or believe you have knowledge of an honor violation, report it to your Honor Representative immediately. He will provide appropriate advice and guidance.

6. *Q. What action follows the reporting of an honor violation?*

A. If the unit Honor Representative concludes that a violation has, in fact, occurred, he will report the incident to the Chairman of the Honor Committee. After hearing the rationale of the unit Honor Representative, the Chairman notifies the President of the College and then assigns a three man investigating committee to make an impartial and thorough investigation of the incident.

7. *Q. How is the investigation conducted?*

A. The Investigating Committee will notify the accused of the specific charges and nature of the evidence against him. It will interview all possible witnesses, weigh all evidence and make a recommendation to the Chairman for a trial or dismissal of charges.

8. *Q. What happens if the Chairman accepts the Investigating Committee's recommendation for dismissal of charges?*

A. All evidence is destroyed.

9. *Q. Who makes up an Honor Court?*

A. Each Honor Court is made up of ten cadets, all members of the Honor Committee with the exception of one cadet in cases involving an underclassman. A member of the second, third or fourth class may have a classmate, selected by the Chairman, sit on the court. In the case of fourth classmen, this right is not afforded until the completion of one academic semester. An underclassman appointed to the court has the full and equal rights and duties of all the members of the court.

10. *Q. Who can defend an accused cadet in an Honor Court?*

A. An accused cadet may choose any cadet as his counsel. If the accused does not wish to represent himself or can not find a defense counsel, the Chairman of the Honor Committee will appoint one.

11. *Q. How many votes are required to convict a cadet of an honor violation?*

A. To find a cadet guilty, the court must vote unanimously.

12. *Q. If found guilty by the Honor Court, what is the convicted cadet's appelate chain?*

A. Any cadet may appeal a finding of the Honor Court to the President of The Citadel. The President will in turn assign three members, (i.e. Vice President for Academic Affairs, a senior representative of Commandant's Office, and a senior Academic Department Head) of his staff to listen to the tape recording of the case and review all other evidence. They will then make recommendations affirming or reversing the finding of the Honor Court.

13. *Q. What is an open trial and what purpose does it serve?*

A. Any cadet brought before an Honor Court has the right to an open or closed court. This is decided by the accused 24 hours prior to the court. Only members of the Corps of Cadets will be allowed to view an open court. The number allowed is limited by the available number of seats. Observers will be selected from the Corps by the Chairman and/or Secretary. The primary purpose of the open court option is to allow the members of the Corps to witness their Honor Court system in action.

14. *Q. What is "quibbling".*

A. "Quibbling" is the recourse to technicalities to hide the truth, or presenting a half-truth when the whole truth, as understood by the cadet, is required.

15. *Q. Is the "social lie" an honor violation?*

A. This is not an easy question to answer. It is understood that the amenities of living together in society require people to be *tactful,* i.e., telling your date's mother you loved the spinach she fixed when you know you hate it. Basically, you must determine if there is intent to deceive in that a statement or action seeks to protect or give unfair advantage to the accused or other individuals involved. If the answer is yes, there may be reason to believe an honor violation may have been committed.

16. *Q. Why is plagiarism considered an honor violation?*

A. Plagiarism is the stealing and use of another person's writing and ideas. In presenting written work a cadet is expected to identify the ideas which are not his own and give appropriate to the source. To do otherwise is to mislead the reader (instructor) and receive unwarranted credit. It is cheating. When a cadet signs his name to a paper he is authenticating that all the work has been accomplished by him.

17. *Q. What is the meaning of my signature on a document?*

A. Once you place your signature on a document you have in fact certified that the information in that document is, to the best of your knowledge, true and fully understood. Your signature on an all-in report is just as important as your signature on a check. If your signature is affixed to a document which is incorrect, and there was no "intent" to deceive on your part, then you may have rendered a false official statement and are subject to punishment for violating The Blue Book — Read what you sign — verify the contents and remember that your signature is your bond.

18. *Q. What is an improper question?*

A. The Honor Code should not be used by a commissioned officer of the staff or faculty, member of the guard, or any cadet in an official position as an investigative tool. In other words, there must be sufficient evidence that the cadet being queried was involved or possesses first hand knowledge of an alleged offense to be asked an incriminating question.

19. *Q. What should I do if I believe that the question asked me is improper?*

A. A cadet is obligated by the highest degree of military discipline to answer the question; however, he does have the means of appealing any punishments awarded him as a result of answering such questions.

20. *Q. When and how do I report an improper question?*

A. A cadet, after answering the question, will so report what he believes to be an improper question, in writing, to his Company Honor Representative. The Company Honor Representative will inform the Chairman of the Honor Committee, who will in turn inform the Advisor to the Honor Committee. The Advisor to the Honor Committee, the Chairman of the Honor Committee, and the Vice Chairman of the Honor Committee will investigate the circumstances involved in the incident and will determine whether or not the question or request for written explanation was proper. They will report their conclusion to the President. If their conclusion is that the question was improper they will recommend to the President that the delinquency report and any punishment awarded as a result thereof be revoked. If their conclusion is that the question was proper, they will call in the cadet involved and explain to him the rationale for their conclusion. If the cadet is not satisfied with their explanation he may appeal to the President in writing.

21. *Q. With whom does the responsibility of knowing the Honor System rest?*

A. It is one of the duties of the Honor Committee to keep the Corps informed of new interpretations of the Honor System. However, it is the duty of every cadet to know the system by which he lives. The responsibility rests with the individual. If you have a question or are confused about any aspect of the Honor Code, see your Honor Representative immediately.

22. *Q. What happens when a cadet does not know the provisions of the Honor System, but suddenly finds he may be in trouble with the system?*

A. Ignorance of the provisions of the Honor System can not be accepted as a defense. You must know your system!

HONOR CASE EXAMPLES

CASE 1: LYING

Upon entering the campus approximately two hours late from General Leave, Cadet A reported to his Battalion O.G. that he had experienced car trouble. The O.G., in relating the experience to the O.D. the following day, discovered Cadet A did not own a car and that he had arrived at the main gate in a taxi. Cadet A had told the SLG that he had gotten into an argument with his fiancee and the demerits would give him tours.

The O.G. reported Cadet A for lying and the Investigating Committee discovered evidence by two eyewitnesses (i.e., two cadets) that Cadet A was seen all evening at a local tavern boasting that he could re-enter the campus and no one could restrict him.

Upon hearing the evidence the Honor Committee determined that Cadet A was guilty of the honor violation of lying. Cadet A was dismissed from school.

CASE 2: LYING

One night, while acting as Officer-in-Charge, Captain X was approached by Cadet A who had a Charleston Pass and asked if he would sign it. For purpose and destination Cadet A had written: "to dinner with my father who is visiting from New York." The O.C. signed the pass.

Later that night Captain X received a phone call from the Medical University Librarian who stated that two cadets were making a disturbance in the library and refused to leave. The O.C. instructed the O.D. to bring the cadets to him.

When the O.D. returned he had Cadet A in the jeep. Captain X asked where his father was and Cadet A stated, "in New York, where he always is!"

Cadet A was charged and found guilty of the honor violation of lying.

CASE 3: LYING

After receiving a delinquency report for being absent from 0800 class, Cadet A wrote an ERW explaining that he had been in the hospital at the time of the class. The company tactical officer investigated the FRW and could find no record of his being in the hospital either in the Commandant's Department or in the hospital. He charged Cadet A with an honor violation of lying.

Upon investigation, Cadet A stated he had entered the hospital to soak his foot for which he had been receiving periodic care. He had not bothered to sign in because of the long line. He entered at 0730 hours and left at 0830 hours and saw it useless to go to class so late.

During the hearing Cadet B who had been in the hospital therapy room (where all physical therapy was performed) testified that he had not seen Cadet A on that morning.

Cadet A was found guilty of the honor violation of lying. This decision was based on the statement made by Cadet A that he had been in the same room and his overestimation of the number of cadets in the hospital that morning (the record showed five cadets, including Cadet B, had sighed in).

CASE 4: CHEATING

Professor X, a Statistics Professor, made up two separate tests to give to two different sections. At the last minute, Professor X decided to give both tests to both classes. Test # 1 would be given to the 1st row, #2 to the second row, etc., so that each row had a different test.

Upon reviewing the tests prior to grading, Professor X noticed that Cadets A and B had identical answers. This struck the Professor as being strange because they both had different tests. In addition, both Cadet A's and B's set of answers were wrong. Professor X referred it to the Honor Committee Chairman.

After meeting their Honor Representative, the Chairman notified the Cadets that they had been charged with cheating.

Cadet A resigned immediately. Cadet B maintained that he had no knowledge of the violation and that A must have copied his paper without his knowing about it.

The Investigating Committee found an abundance of evidence to back Cadet B's story and recommended no trial. The Chairman accepted the recommendation.

CASE 5: STEALING

Cadet D was seen coming out of Cadet L's room with an armful of clothes by two freshmen one Saturday evening. Since they were in a different company they thought nothing of it; however, approximately two weeks later they heard that civilian clothes from Cadet L's room had been stolen. They reported this to their Company Honor Representative who felt that charges should be filed.

Charges were filed, and in the Honor Committee hearing it was discovered that a search of Cadet D's room turned up several articles of Cadet L's clothing. Cadet D maintained that he had only borrowed the clothes planning to return them.

The Honor Committee, in its decision, felt that the time and circumstance proved that Cadet D was guilty of the violation of stealing because the length of time the clothing had been kept showed Cadet D intended to keep the clothing permanently. Cadet D was dismissed from school as the result of this violation.

The freshmen received official reprimands for not reporting the case earlier.

CASE 6: · TOLERATION

One night in the room of Cadets X and Y, Cadet Z related his knowledge of an honor violation by Cadet A. He revealed the details to Cadets X and Y, but stated that he was no "fink" and would never turn in a friend.

Cadets X and Y felt this was a violation of toleration and asked their Company Honor Representative but they felt toleration would be difficult to prove. They learned that indeed the other violation had been reported; therefore, Cadet Z was subsequently reported for toleration.

At Cadet Z's hearing the information he had related to Cadets X and Y was of such a nature that only someone directly involved could have been aware of the situation. Evidence proved that Cadet Z did willingly withhold information of an honor violation and he was convicted of toleration. He appealed to the President; however, the decision was upheld.

CASE 7: IMPROPER QUESTION

One afternoon, after inspecting the company assigned to him, Major X explained to Cadet Captain A that he found many men sleeping during MSP and that he wanted the names of all those men by 1700 hours. Major X had not recorded the names. Cadet Captain A instructed each squad sergeant that he was to go down the squads during noon formation and ask each man if he had been sleeping that morning. Five names were given to Cadet A. These five men had answered "yes," and each man was given ten demerits by the Company Commander.

The Honor Representative of that company reported the incident to the Chairman of the Honor Committee. The Chairman, after meeting with the Vice Chairman, recommended to the Advisor to the Honor Committee and the President that this line of questioning was improper and that all punishments should be dropped. The President accepted the recommendation. The rationale was that Major X should have written the names down and that the squad sergeants' line of questioning was improper.

CASE 8: QUIBBLING

Cadet Z had been a member of the varsity track team but was officially removed from Corps Squad by the coach for an infraction of training rules. Although the new Corps Squad orders had not been published, Cadet Z failed to attend parade on Friday and SMI on Saturday. The Company Commander knew Cadet Z had been removed from Corps Squad and reported him as being absent from both formations.

Cadet Z wrote ERW's to his tactical officer and stated that he was on Corps Squad and therefore was excused from both formations.

The Company Commander referred the case to the Company Honor Representative who, in turn, passed it on to the Honor Court. Cadet Z was found guilty of lying because he intended to deceive his tactical officer into believing he was still a member of the track team and used a technicality to hide the truth.

ANNEX E (RECOMMENDATIONS AND PROGRAMS OF IMPLEMENTATION) TO REPORT OF SUPERINTENDENT'S SPECIAL STUDY GROUP ON HONOR AT WEST POINT

1. DISCRETION/SANCTIONS Committee Recommendations.

a. DISCRETION.*

(1) Synopsis of the Problem. The results of research in the area of public attitudes and the attitudes of the cadets and USMA staff and faculty indicate that a significant number regard the Cadet Honor System as being too absolute and inhumane in its administration of the Code. The research also reflects an expressed need for the adoption of some sort of "second chance" concept. The committee's discussion of procedures revealed that there is a strong possibility that, on occasion, members of the Honor Committee may exercise toleration because of a hesitancy to find a violator guilty not because of his innocence, but because the Honor Committee member does not feel the violation is serious enough to warrant separation. In summary, the issues requiring resolution center on humanizing the Honor System and eliminating the possibility of compromise on the part of Honor Committee members.

(2) Alternative Actions.

(a) Action 1. Maintain the status quo. Any consideration of a "second chance" policy could lead to the perception by some cadets that the Corps is softening its stance on honor. This could then result in a self-fulfilling prophecy and significantly diminish the foundation of the ideals of the Honor Code and West Point.

(b) Action 2. Adopt Naval Academy retention policy. This policy gives the Honor Committee, after a guilty finding, the authority to recommend retention in the event of extenuating circumstances. It allows for a more humane approach than does current USMA policy, and yet it keeps the number of excuses to a minimum which limits the probability of watering down the Honor Code and System.

(c) Action 3. Adopt Air Force Academy discretion policy. This policy gives the Honor Committee, after a guilty finding, the authority to recommend retention in the event of either extenuating or mitigating circumstances. With the addition of USAFA guidelines, the Honor Committee would not only have the opportunity to consider situational issues, but also whether or not the violator "has truly learned the personal value of honor and resolved to live honorably in the future." Since USMA is a training institution, its Honor System should give people more of an opportunity to learn from their mistakes and be allowed to continue their training.

*Hereinafter "retention" will be used because in the opinion of the committee the word "discretion" is misleading, ambiguous, and leads to varying interpretation.

(d) Action 4. Adopt a policy combining aspects of both the Air Force and Naval Academy systems. Specifically, the Honor Committee would have the authority to retain a violator when the circumstances surrounding the case were influenced by the experience of the cadet, the existence of unusual pressure, and if the offense were self-reported. This approach goes beyond extenuating circumstances, making it more humane than the status quo and the Naval Academy system. However, it does more to strengthen the Honor Code and System because the scope of mitigating circumstances is more limited and precise than the Air Force Academy system.

(3) RECOMMENDED COURSE OF ACTION. Action 4 - Recommend that the Cadet Honor Committee be authorized to recommend that a cadet found guilty of an honor violation be considered for retention when it has been determined that a combination of the following circumstances existed at the time of the violation:

There was some type of unusual pressure involved in the incident,
The violation was self-reported,
The cadet's experience under the Honor Code was limited.

(a) Justification.

1. The results of research reflect a need to make the Honor Code and System appear and be more humane and realistic.

2. The Honor Code and System should constitute a training vehicle which hopefully strengthens and complements high ideals of honor and integrity in the supposed character traits of incoming new cadets. However, West Point is receiving people from varied backgrounds and life experiences and cannot expect immediate perfection in their adherence to the Code. If it is to properly function as a training vehicle, the Code and System must allow for further learning and maturing of the individual cadet, particularly the new cadet. The adoption of the above stated recommendation should strengthen the Code and System by tempering its spirit in the application of its one sanction, separation, and afford the Honor Committee the opportunity to retain violators in unusual and limited circumstances.

3. This course of action relieves from the Honor Committee member the pressure of voting not guilty because of the sanction rather than the violation.

4. The Honor System would be strengthened if it allowed the Committee to practice legitimately what it is now doing by an aberration of currently prescribed procedures.

5. The committee believes that the Honor System will be perceived as being more realistic and humane and lead to more cadets turning themselves in or being turned in for an honor violation.

(b) Minority Opinions.

1. The issue of retention is one which requires careful consideration and cautious application. It is possible that the Corps sentiment for humaneness is in protest to the application of ideals to unrealistic situations. It would seem that the maintenance of ideals can be retained and even heightened by a review of the Honor System as an application of honor principles. There are cases where the deviation from absolute principles are not only condoned but required. If our true interest is in the development of Honor in the Corps, then it is in the application of principles which should be our primary concern.

2. The Army today and its officer corps need a reheightening of the principles of honor in light of the difficulties which have occurred within the past ten years. The Cadet Honor Code and System have been the training vehicle to achieve that end for Academy graduates. It would appear that the present strictness in the Code and System have succeeded in producing officers of high integrity. If changes are introduced, this institution may never be able to regain the standards of honor which have marked West Point for generations. Thus, any changes which are perceived to weaken the Code can only be viewed as a step backward. However, events (courts/society) may force us to alter the system. It would, indeed, be ironic if the Honor Code and System were changed because the Corps of Cadets did not accept strict standards of honor. It may be that the emphasis should be on educating cadets and officers on the meaning of honor rather than changing the principles.

(4) Program of Implementation.

(a) A vote for retention as recommended herein should be used sparingly to preclude any diminution of the Honor Code and System. It should not be understood as a cadet right.

(b) The procedures to be followed by the Honor Committee in considering the application of sanctions are:

1. Determine the guilt or innocence of the concerned cadet as currently practiced or modified by procedures herein.

2. The chairman then asks, "Is there a motion to discuss justification for retention?"

3. Implicit in a "no motion" response is the automatic recommendation for separation.

4. A "motion" response requires a "second" to discuss justification for retention.

5. In considering matters justifying retention, the Committee should consider the individual's experience under the Code. However, the existence of unusual pressure and the fact that the violation was self-reported are musts for any favorable consideration.

6. After a reasonable period of discussion, the Honor Committee votes on a recommendation for separation or retention.

7. The Honor Committee's report to the Commandant and the Corps must include, in addition to what is currently reported, justification for recommending retention, to include any minority opinions.

(c) If the Corps is to understand precisely the scope and implications of this recommended change, they should receive a special class on retention with emphasis on the following:

1. The consideration of retention is the exception rather than the rule. Examples of how infrequently and under what circumstances it has been used at the Air Force Academy should facilitate this effort.

2. Cases are handled on an individual basis with contingent circumstances and not precedent or a checklist used to determine whether or not a violator will be retained.

3. Instructors must present a detailed explanation of why this change has been adopted, the Honor Committee's interpretation of what it means, and what impact it will have on the Corps.

(d) If the recommended change is going to be a viable one, it must certainly have the support of both officers and cadets. Therefore, it is imperative that a random sample of both cadets and officers be surveyed to determine whether or not it has their support or if additional refinements are in order.

(e) Change the appropriate USMA regulation to read that a cadet "May be separated" if found guilty of an honor violation.

(f) Prepare a policy statement under the Superintendent's signature for general publication.

b. VOTING POLICY.

(1) Synopsis of the Problem. In recent years there have been occasions when individuals have unilaterally decided to abrogate the system by consistently voting "not guilty" in spite of evidence supporting a finding of guilty.

(2) Alternative Actions.

(a) Action 1. Retain the unanimous vote for a finding of guilt and retention. The unanimous vote has an awesome impact and for the most part has been effective in the past. To change it would be tantamount to saying that the Honor System is not functioning properly.

(b) Action 2. Adopt a two less than unanimous vote policy for a finding of guilt or retention. This would do much to eliminate unilaterial disruption of the system by an individual who does not believe in the system and also relieve pressure from those Honor Committee members who do not want to vote "not guilty" because of the sanction rather than the circumstances.

(c) Action 3. Adopt a three less than unanimous vote or any number up to a two-thirds majority for a finding of guilt or retention. The approach would be more consistent with current legal practice in the military. The rationale for Action 2 also applies in this course of action.

(3) RECOMMENDED COURSE OF ACTION. Action 2 - Recommend that the Honor Committee go to a two less than unanimous vote for a finding of guilty or a recommendation for retention.

(a) Justification.

1. A two less than unanimous vote will greatly assist in significantly reducing the number of 11-1 not guilty votes and the subsequent difficulty the Honor Committee will experience in explaining to the Corps the justification for such a finding.

2. A two less than unanimous vote will assist in protecting the Code and Corps from the willful toleration by a single committee member.

3. This approach will relieve some of the pressure from an inexperienced Honor Committee member who genuinely believes the accused is innocent and wants to cast a "not guilty" vote.

4. Although, this is not as overwhelming as a unanimous vote, it is the opinion of the committee that it still carries substantial weight and will be most effective in reflecting the committee's belief in a finding of guilty or a recommendation for retention.

(b) Minority Opinion. None.

(4) Program of Implementation.

(a) Include this recommendation in the Honor Committee procedures publication.

(b) Educate the Corps through scheduled honor instruction as to how and why this recommendation was adopted.

(c) Prepare a policy statement under the Superintendent's signature for general publication.

2. FAMILIARIZATION/EDUCATION COMMITTEE RECOMMENDATIONS:

a. FAMILIARIZATION WITH THE CADET HONOR CODE AND SYSTEM.

(1) Synopsis of the Problem. At present there is a need to do more at West Point toward creating and maintaining a greater awareness of, or familiarization with, the Cadet Honor Code and System. This need is perceived from observations of cadets and their daily lives under the Code, as well as from an apparent general lack of knowledge of the Code and System on the part of the Staff and Faculty.

(2) Alternative Actions.

(a) Action 1 - Definitive ways of making cadets more familiar with the system should be exercised. In addition to providing cadets written material on the Honor Code and System (i.e., the "grey" book), greater familiarization can be achieved by such actions as the posting of case summaries on cadet bulletin boards (guilty - without names - and not guilty findings) and regularly scheduled honor meetings in company areas. Further study should be conducted to identify other means than those mentioned above. Some examples are (1) the conduct of open forums, attended by cadets and personnel from post activities, at which the Cadet Honor Code and System would be discussed; (2) academic department honor briefings, (3) the appointment of particular academic department honor liaison officers; (4) and ways to familiarize personnel in the Army, outside of West Point, with the Cadet Honor Code and System.

(b) Action 2 - No change from present system.

(3) Recommended Course of Action: Action 1: In addition to providing cadets with honor publications now on hand, case summaries should be posted and honor should be a principal subject of regular company meetings. Further study should be conducted to determine ways to better "communicate" honor and create a greater awareness of it among the Corps of Cadets and Staff and Faculty.

(a) Justification.

1. Although closely related to another recommendation for expanding honor instruction at USMA, there need to be more positive actions to make cadets aware of the Honor System and their part in the System. This would not only contribute to a deeper understanding of honor through daily involvement, but would also support the activities of the Cadet Honor Committee.

2. In view of recent cases of government officials and military officers in high positions compromising their honor there should be more done at West Point to inculcate an unfailing sense of honor in cadets who may one day occupy similar positions in our country.

(4) Program of Implementation: The particular items mentioned above - posting of case summaries and the conduct of regular company meetings - can be implemented upon approval by the Cadet Honor Committee and the assurance of necessary administrative support. As new methods for creating a greater awareness of honor are conceptualized, details of implementation would have to be considered.

b. CONFERENCE OF HONOR COMMITTEE CHAIRMEN.

(1) Synopsis of the Problem. In the past there has been little or no exchange of information among the three service academies regarding their respective honor systems. The USAFA and USNA Committees have expressed much interest in an annual conference for the purpose of exchanging information and discussing common problems. Standardization of honor codes and systems among the academies would certainly not be an objective, but it is hoped that a greater appreciation of the honor systems of the academies would be achieved.

(2) Alternative Actions.

(a) Action 1 - A conference of the Chairmen of the Cadet/Midshipman Honor Committees and their respective officer representatives from USMA, USNA, and USAFA could be held at a time convenient to all academies (when athletic events are scheduled or some other appropriate time).

(b) Action 2 - Hold meetings between only two academies at a time, which may allow the scheduling and transportation for such meetings to be coordinated in an easier manner.

(c) Action 3 - No action to conduct a conference of this nature.

(3) Recommended Course of Action: Action 1: That from time to time the Chairmen of the USMA, USNA, and USAFA Honor Committees and their officer representatives meet to exchange information on matters pertaining to honor.

(a) Justification.

1. A single meeting of all three academies would allow a more complete exchange of information and be a more meaningful experience to individuals attending.

2. Information acquired at a single meeting would be of immediate benefit to each of the academies.

3. Scheduling administrative and transportation requirements would not be significantly different from a meeting of only two academies.

(4) Program of Implementation. In the planning of this conference careful attention would have to be given to billeting, messing and conference scheduling for cadets and officers in order to maximize time allowed for discussion periods. Also, any interest in conferences shown by the Superintendent or other senior officers would have to be considered.

c. INITIATION OF A FULL ACADEMIC COURSE IN PROFESSIONAL ETHICS AT USMA.

(1) Synopsis of the Problem. At present the following academic courses are offered at USMA that cover the general topic of ethics: (1) EN 402-Readings in Philosophy: Inquiries into Ethical, Aesthetic and Spiritual Values and PL 401-Military Leadership. A course entitled Ethics 440 is presently taught at USAFA. It is a critical study of ethics themes such as responsibility, freedom, obligation,

duty, human rights, and human dignity. Background to these themes is provided by reading Western philosophers. Themes are related to typical moral issues such as those arising from the context of war. It would seem appropriate that there be a full academic course offered at USMA that would emphasize the philosophy and morality of ethics and relate to the profession of arms.

(2) Alternative Actions:

(a) Action 1 - Offer a particular full academic course in professional ethics and relate to the Cadet Honor Code and System.

(b) Action 2 - Expand on those courses now offered with respect to their coverage of ethics that would be more relevant to the profession of arms; and relate to the Cadet Honor Code and System.

(c) Action 3 - Continue present course offerings with no increased emphasis on professional ethics.

(3) Recommended Course of Action. Action 1: Initiate a full academic course in professional ethics at USMA.

(a) Justification - This action is recommended for the following reasons:

1. As stated above, it would be appropriate that there be a single, full academic course at USMA that was primarily concerned with ethics as related to the profession of arms.

2. Portions of different courses now offered that pertain to ethics would be more meaningful to cadets if they were consolidated and presented with a clearer purpose regarding the overall development of a greater sense of honor and ethics.

(b) Minority Opinion - Courses now covering the subjects of ethics should be improved upon so that the topic of professional ethics receives more emphasis. A separate, full academic course is not considered necessary.

(4) Program of Implementation. Implementation of such a course would require consolidation of appropriate portions of the ethics coverage of other courses now offered; development of a program of instruction and course objectives; determination of which class would be taught and whether it would be a standard or elective course; selection of pertinent study materials; and identification of the academic department which would conduct the course.

d. 4-YEAR PROGRAM OF HONOR INSTRUCTION AT USMA.

(1) Synopsis of the Problem. "One of the principal instruments employed to develop the integrity of the future officer is the Cadet Honor Code and System" (Grey Book on Honor). The present honor instruction is inadequate in teaching the cadets honor and in developing the cadet's sense of honor to meet the daily challenges of the ideal. The program of instruction has a mandate to do two things. The first is to educate the Corps of Cadets on the procedures of administering the honor code at USMA. The second is to teach the Corps of Cadets what honor is and

how they can live up to the ideal in the performance of their duties and personal life.

The present instruction is oriented primarily to teach the cadet how the Code is administered. There are two periods when the cadet receives instruction. These periods are eight hours during New Cadet Training and six hours during June Week for the 4° preparing for Camp Buckner. During the instruction given at New Cadet Training, five of the eight hours of instruction are dedicated to teach the cadet the "rules of the game."

1st Hour - History of the Cadet Honor Code
2nd Hour - What constitutes a violation?
3rd Hour - Absence Card, Limits, Administration.
4th Hour - Social Honor, "What is Required of You Away from West Point".
5th Hour - The difference between Honor and Duty or Honor and Regulations.
6th Hour - What constitutes an honor violation in academics.

The block of instruction taught to the 4th class during June Week at Camp Buckner is six hours long, five of them again are designed to name the "rules of the game".

1st Hour - Orientation on what the limits are at Camp Buckner for the summer.
2nd Hour - What is expected of you while on leave in regards to honor.
3rd Hour - The history of the procedures in administering the code.
4th Hour - How an honor violation is processed.
5th Hour - Honor and Regulations - What is an honor violation versus a violation of regulations.
6th Hour - What constitutes an academic violation of honor.

For each class during reorganization week, the new president of the honor committee establishes the policies of the committee and answers questions pertaining to honor. The remainder of the honor instruction on procedures and policies of the administration of the code is handled on an unscheduled basis where the company honor representative is sent a message from the honor committee to give to his company. There is only a token effort made to teach the cadet honor. The only instruction that could be aligned with this purpose is two hours during NCT and one hour during June Week.

(2) Alternative Actions.

(a) Action 1 - Develop two programs of instruction for the Corps of Cadets on honor. One program of instruction has as its purpose to provide the cadet a working knowledge of the Cadet Honor Code and how it is administered to the Corps of Cadets. This program would be organized and instructed by the Corps of Cadets. The second program of instruction would be a four year program with a purpose to teach the Corps of Cadets the purpose of honor, its history, and its use within the profession of arms. The second program would have a course director assigned who would be a commissioned officer with the responsibility to prepare a course which would be taught to the Corps. The instructors for this course would be officers, enlisted personnel, 1°, and invited lecturers such as Archbishop Sheen who have the necessary expertise to teach a particular class. The result would be to have a formal course on honor which is prepared, directed, and taught by qualified people.

(b) Action 2 - Develop one four-year program of instruction with a purpose to develop a working knowledge of honor, its purposes, history, practical application to the profession and personal life, and the honor code administered at West Point. This program of instruction would be administered by the Cadet Honor Committee with a Vice Chairman for education. In addition, require each academic agency where appropriate to upgrade or initiate instruction from their academic discipline's view on honor or integrity.

(3) Recommended Course of Action. That there be two programs of instruction prepared on honor at USMA. The first program would be prepared by the Cadet Honor Committee on the Cadet Honor Code with a purpose to instruct the Corps on the honor code and how it is administered at West Point. The second program would be a four-year program on honor to teach the Corps the purpose of honor in our society and in the profession of arms, the history, the responsibilities attached with honor, the principles and procedures of living and working with a honor code.

(a) Justification.

1. The Corps is tasked to instruct itself on that part of honor with which it is qualified and can manage without undue burden.

2. The person who will prepare and direct a program of instruction is dedicated to the job and has the necessary academic and practical experience in developing the course and the instructors of the course.

3. This action includes the use of a four-year program ranging from formulating basic principles to advanced instruction on applications of honor in society today.

4. This action insures continuity throughout the instruction. With a simple administrative procedure involving the Honor Committee and the course director, the instruction can be aligned to support each other.

(4) Program of Implementation. The Honor Committee should be given instructions establishing the purpose and objectives of their instruction and incorporate these requirements for NCT '75 and 4° June Week instruction '75. An officer should be assigned as Course Director of the honor four year program prior to 1 June. This officer should be given the summer of 1975 to write the POI for the program and be given a start date of 1 September 1975. The instructions to the officer should be the specific objectives of the course. This officer should be assigned to HQ, USCC and be directly responsible to the Commandant and Superintendent. His office should be located in the building that presently houses the counseling center and be assigned a clerk stenographer who will support the course director's requirements and the administrative requirements of the Cadet Honor Committee and the Brigade Staff.

e. FURTHER STUDY OF THE ETHICS COMMITTEE AT USAFA.

(1) Synopsis of the Problem. At USAFA there is a Cadet Ethics Committee that is made up of elected representatives from each squadron. Its purpose is to investigate alleged violations of ethics by cadets (i.e., gross misconduct) and, in cases where findings of an Ethics Committee hearing warrant it, recommendations are made to the Commandant of Cadets for appropriate disciplinary action. The committee's operations are parallel and complementary to those of the Cadet Honor

Committee. In addition, the Committee conducts an on-going, 4-year program of instruction in "professional ethics", similar to the honor instruction program.

(2) Recommended Course of Action: That there be further study of the Ethics Committee as it is now constituted at USAFA to determine the practicality of such a committee at USMA.

(3) Minority Opinion: Cases of gross misconduct should continue to be handled by Brigade Boards, the First Captain and his command. We should not try to partition a cadets life into honor/ethics/misconduct. It would lead to further questions like the one we have now - honor versus regulations. Further education should be done by the Cadet Honor Committee only, except that PL 401 should provide a block on honor and ethics.

(4) Program of Implementation: If the formulation of an Ethics Committee was determined to be appropriate as the result of further study, the organization, operation, and support of the committee would require complete examination. In addition, particular things like officer representation and a cadet-run program of ethics instruction would also warrant attention.

3. PROCEDURES Committee Recommendations.

a. SIGNATURE.

(1) Synopsis of the Problem. The meaning of the signature and to a lesser extent the meaning of initials when used in lieu of a signature have been the source of some confusion; the cadet is often unaware of the exact meaning of his signature (initials) when he affixes it to an official document, such as the sign-out book, etc. This situation is complicated because the cadet is then required to report himself and his error when ex post facto knowledge reveals that he has not complied with the precise requirements of his signature. The problem is also magnified by the many "informal" procedures that individual cadets in different regiments perceive to be the proper action with regard to the specific meaning of the signature in a particular instance; again, the sign-out book is a representative problem in that the present Corps-wide policy is that the time listed and verified by signature is the exact time that the cadet is physically signing out, but many cadets still insist and act according to the understanding that the time cited is the time that the cadet will actually leave. The importance of the signature, both as a cadet and an officer, requires uniform appreciation and understanding by all members of the Corps.

(2) Alternative Actions.

(a) Action 1 - Intensive education to all members of the Corps. Such an approach recognizes that ignorance and unawareness are the root problems and that aggressive instruction and indoctrination might eliminate misunderstandings and insure standardization throughout the Corps.

(b) Action 2 - Attach an explanatory statement of what the signature means on all standard USMA, USCC, documents. This approach immediately and continually clarifies and reminds the cadet of the meaning of his signature at that time.

(c) Action 3 - Eliminate the use of the signature and its implications except when the cadet is acting in an official capacity. This approach recognizes that the cadet is constantly policing himself through his signature, even during periods when he is not acting for the institution.

(3) RECOMMENDED Course of Action: Attach an explanatory statement of what the signature means on all standard USMA, USCC documents.

(a) Justification. This course of action insures a common standard throughout the Corps and serves as a continual reminder to the individual cadet. Such explanatory statements are a part of official documents in many governmental agencies and actions, to include the federal income tax form, the DD398 Statement of Personal History, and other forms that require an exact knowledge of what the signature means. This procedure would not inhibit the present practice of initialing drill rolls for specific actions and other non-recurring forms whose meaning is clearly self-evident or clarified by pertinent explanation.

(b) Minority Opinion. None.

(4) Program of Implementation.

(a) Attach explanatory statements to selected USMA, USCC forms and replace effective AY 1975-76. The sign-out book is the major trouble area, and the explanatory statement may be stamped at the top of the page in the form of a reminder. A stamp could also be prepared so that the existing supply of forms could be used, if necessary.

(b) Amend the instruction bloc to the incoming fourth class so that the meaning of the signature is stressed, both with and without the explanatory statement.

(c) Instruct all classes in the change during Reorganization Week, 1975.

b. ABSENCE CARD.

(1) Synopsis of the Problem. The major irritant is analagous to certain problems with the signature in that a cadet is required to report himself and his error when *ex post facto* knowledge reveals that he has not properly marked his card. Many perceive this to be an improper use of honor in the enforcement of regulations, and others consider the entire concept of the absence card to be an unnecessary harassment. The several divisions (marked areas) on the existing absence card force the cadet to be diligent in reporting back to his company the exact nature of his absence, even though the general category, usually an authorized absence, does not change. Failure to be scrupulous in the marking of the card results in the cadet reporting himself for the infraction of an improperly marked card; the punishment for an improperly marked card involving authorized absences is minimal, particularly when weighed against the cadet's perception that he is forced to inflict his own punishment.

(2) Alternative Actions.

(a) Action 1 - No change. The absence card is merely an accountability device that is far more convenient and efficacious than a sign-out book or other alternative system of constant accountability throughout a given period.

(b) Action 2 - Change the absence card to reflect only two categories: authorized absence or unmarked. These categories describe the general status of a cadet, and special categories, guard, hospital, etc., are maintained in the unit orderly room.

(c) Action 3 - Eliminate the absence card for the upper two classes The first and second classes have the responsibilities and privileges inherent in their positions as the leaders of the Corps and should be permitted to use their time in the manner they deem appropriate, and the absence card assists the underclasses in appreciating the concept of personal accountability and in disciplining themselves to the rigors of academy life.

(d) Eliminate the absence card completely. [The card is an institutional anachronism that has become an harrassment in the present climate of numerous privileges, limited call to quarters periods, and emphasis on cadets assuming more personal responsibility.]

(3) RECOMMENDED Course of Action: Action 2- Change the absence card to reflect only two categories: authorized absence or unmarked.

(a) Justification. The Study Group fully recognizes the Commandant's prerogative in determining means and methods of accountability, and this recommendation is in no way an attempt to usurp these options, but is rather an idea that may improve the existing system. The subdivisions of authorized absence are superfluous and redundant; special categories such as leave, guard, hospital are recorded appropriately in the orderly room. This eliminates the requirement that a cadet somehow get word to his company when he moves from one authorized absence status to another (exceeding specified limits under the provisions of class authorizations, etc.). The system still allows for accountability, and an unmarked card still requires an explanation should the cadet abuse the system either through omission or commission.

(b) Minority Opinion. The absence card is an implied vote of no confidence in the maturity of the individual cadet. The taps inspection insures that all cadets are present or accounted for, or that all violators will be reported. Because of the many privileges and opportunities available to the individual cadet, the marking of the absence card becomes a tiresome exercise in logistics in which the cadet is honor bound to report his carelessness or inattention to the precise requirements of the card. The emphasis on personal discipline and the granting of concomitant privileges recognize the maturity of the cadet; he should be allowed to determine the use of his own time and not be forced to constrain himself by his forced formal pledge in the form of the absence card.

(4) Program of Implementation.

(a) Produce new absence cards with only two categories: authorized absence and unmarked.

(b) Change Regulations, USCC to reflect this modification, and indoctrinate the Corps.

c. The "All Right".

(1) Synopsis of the Problem. This is another area in which the cadet is required to report himself when ex post facto knowledge makes him aware that his initial action was in error. The "all right" has a variety of meanings depending upon the situation in which it is rendered.

Though the meanings of the "all right" are clearly enumerated in Regulations, USCC and elsewhere, there still exists some confusion when an immediate "all right" is requested or rendered.

(2) Alternative Actions.

(a) Action 1 - No change. The "all right" is a convenient shorthand for a lengthy explanation, and the convenience particularly during inspections warrants that the cadets learn the required meanings.

(b) Action 2 - Eliminate the "all right." Make the cadet explicitly clarify his status when required; this would force the cadet to recognize his personal accountability in a direct manner, more in keeping with the general traditions of the Army at large.

(3) RECOMMENDED Course of Action: Action 1 - No change.

(a) Justification. The "all right" is a convenient way to accomplish a required duty. It is sufficiently limited in scope, and it is used at regularly assigned periods during the cadet's day, thus diminishing the likelihood of the "spontaneous" mistake and subsequent self-reporting. The alternative is laborious and time-consuming and a shorthand system is appropriate for recurring actions.

(b) Minority Opinion. None.

(4) Program of Implementation. Education is the key. Orientation should stress the rationale in (a) above and the necessity for learning the appropriate meanings of the "all right."

d. IMPROPER QUESTIONS.

(1) Synopsis of the Problem. Many cadets feel that they are at a distinct and unfair disadvantage because they must respond honestly to all questions, regardless of provocation. This situation is aggravated when in official matters such as in the Explanation of Report and in Disciplinary Board actions, the cadet is forced to implicate himself and others with the resultant punishment. Though the cadet understands and appreciates the need for honesty to insure a fair and just investigation, he still feels that his honor may be used to his and others' detriment in the absence of certain safeguards. Much of this problem results from disagreement of what is probable cause and what is to be reasonably considered proper questions pursuant to an investigation. Predictably, the individual being questioned tends to define probable cause in much more limited terms than does his interlocutor. This situation is further confused because of the inconsistencies, real or imagined, that are perceived in the Corps with regard to the awarding of punishment based on information gained through improper questioning. The final backdrop to this problem of the improper question is the knowledge that upon commissioning the former cadet will be in a profession in which all questions are expected to be answered in an honest, thorough, and completely forthright manner—improper questioning (except in matters of UCMJ) is not a consideration.

(2) Alternative Actions.

(a) Action 1 - Restrict all questions involving possible disciplinary action to those pertaining solely to the individual's culpability. This recognizes that loyalty is virtue and that individuals will not be forced to implicate others unless there is other circumstantial evidence.

(b) Action 2 - Provide the individual with the guarantees against self-incrimination (such as in the Fifth Amendment; Art 31, UCMJ). The disciplinary system is roughly analogous to the punishment code of UCMJ, thus the cadet should be afforded a relative protection against self-incrimination.

(c) Action 3 - No change. The cadet must answer all questions posed, and he must answer them to the fullest extent possible; the interlocutor should only pose those questions reasonably pertinent or appropriate.

(3) RECOMMENDED Course of Action: Action 3 - No change.

(a) Justification. The Academy is a training ground for future officers, and the products of this training program must understand the need for a clear and complete explanation to a considered question and that his final loyalty in moments of conflict is to the truth. Cadets must understand that one must accept responsibility for his actions, and that he can be reasonably expected to account for his actions at any appropriate time. Certainly, there are abuses and there are improper, if not even capricious, questions, but these are the exception and the aberration. To codify the "improper question" or to introduce the safeguards against self-incrimination would impede the quick and efficient search for the truth, and such action would not seem appropriate given the short-term and non-judicial nature of the punishment. Cadets implicated by the testimony of another at a disciplinary board are not subject to disciplinary action, though the tactical officer may be administratively informed so that non-disciplinary action can be implemented in the form of warning or other prohibition.

(b) Minority Opinion. None.

(4) Program of Implementation.

(a) Increase the education effort in the Corps. Insure that all classes understand the necessity for honest and forthright response to all questions, and instruction should include discussions of the ethical background and the future obligations (as an officer) of such a policy.

(b) Specifically, inform the Corps that individuals implicated by the testimony of others in a disciplinary board are normally not subject to disciplinary action. The Disciplinary System Regulations, USCC, dated

26 August 73, with changes state the following:

> The [disciplinary] board must exercise sound judgment in order to guard against recommending the disciplining of a cadet for a delinquency for which there was no independent evidence of the commission of a delinquency except for the cadet's, or witnesses' own statement. The board should likewise exercise sound judgment to guard against recommending the disciplining of these cadets who made no direct contribution to the delinquency under investigation and would not have come to the attention of the board except for statements received before the board [Chapter 3, Section 3, para. 3.d.(2)].

The tactical officer or some other authority may counsel the implicated cadets and advise them that such conduct is prejudicial to the good order of the unit, and he must conform to the principles delineated above in determining his course of action.

(c) Educate the staff and faculty on the "vulnerability" of the honest cadet. Caution all that reasonable questions with provocation are the rule, but the capricious and ill-considered question can lead to awkward and unwanted consequences.

e. PLAGIARISM.

(1) Synopsis of the Problem. A majority of the Corps (70%) and the Department of English feel that plagiarism cases should be handled in a manner different than is presently the situation. The plagiarism case is a very technical matter in that much of the damning evidence is circumstantial, and the sheer quantity and quality of the plagiarized material reflect strongly or weakly on the intent of the suspected cadet. To measure the quantity and quality of a suspected plagiarism case requires experience, if for nothing else than to weigh the present case against the past cases of plagiarism or documentation irregularities (clearly, the intent to deceive separates the two categories). Considered in a vacuum, the apparently plagiarized paper is *prima facie* evidence of guilt. However, to ascertain the suspected cadet's intent is extremely difficult and usually based on the individual's testimony, albeit suspect to varying degrees. The Department of English in its dealings with suspected plagiarism cases involving both the Honor Committee and subsequent Officers Boards has found "that the grasp of both faculty members and students regarding the significant aspects of plagiarism is tenuous at best" (letter from Department of English to Study Group, SUBJECT: Officer Involvement in Processing Suspected Plagiarism Cases, dated 2 April 1975).

(2) Alternative Actions.

(a) Action 1 - No change. Plagiarism is a breach of honor and is properly within the purview of the Honor Committee and should be treated no differently.

(b) Action 2 - Send all plagiarism cases directly to the Academic Board for action. This recognizes the complexity of the situation and the purely academic nature of the offense; regardless of intent, many suspected plagiarism cases are sufficiently grievous so as to question the individual's academic proficiency.

(c) Action 3 - Allow the reporting officer of a suspected plagiarism case the option of conducting an initial investigation of the immediately relevant material. The officer is the one most familiar with the material, the individual's demonstrated academic proficiency, and the matters surrounding the submission of the paper; such an investigation would permit the officer and his Department to make a better informed recommendation to the Honor Committee.

(d) Action 4 - Treat plagiarism cases as breaches of discipline. Cases of poor documentation are often resolved in this manner, and this approach recognizes the futility of ever discerning intent without the suspected individual's admission.

(3) RECOMMENDED Course of Action: Action 3 - Allow the reporting officer the option of conducting an initial investigation of the immediately relevant material.

(a) Justification. This recommendation puts the expert on plagiarism, the instructor who deals with documentation irregularities on a continual basis, in an immediate position to resolve or to confirm the apparent problem manifest in the paper. This proposal recognizes that the officer is involved in a potential matter of honor, but the matter is merely a potential one until the officer concludes his investigation and makes his recommendation. The officer presently does just this, but he must base his recommendation to the Head of the Department solely on the paper itself. The Department of English addresses this solution in the aforementioned letter, dated 2 April 1975:

> This initial and prompt investigation would permit the instructor to hear the cadet's explanation of the documentary irregularity and to examine any concomitant support, such as working drafts or notes from which the final theme or paper was prepared. The instructor would seek to determine the facts surrounding the case in order to make an informed recommendation to the Department Head.

Should this RECOMMENDED action prove ineffectual in the coming year, then serious consideration should be given to (b) sending all plagiarism cases directly to the Academic Board for action.

(b) Minority Opinion. None.

(4) Program of Implemencation.

(a) Change the wording in Superintendent's letter of instruction for handling suspected honor violations, SUBJECT: Officer Reporting of Suspected Honor Violations, dated 4 September 1973 to permit the instructor to question the cadet in cases of suspected plagiarism. This change recognizes that plagiarism is not the "usual honor case".

(b) Law Department will provide written guidance to all concerned Departments with regard to the general nature of questioning to be used, any safeguards need to protect against self-incrimination (a possibility because of officer involvement), and any prohibitions that are appropriate for the investigation.

(c) The officer will conduct his investigation in the presence of the honor liaison cadet to the particular department. This will permit the Honor Committee to be privy to the investigation and insure that there is a witness to the proceeding.

f. THE REGIMENTAL INVESTIGATING OFFICE.

(1) Synopsis of the Problem. This individual is burdened with both acting as a link in the chain connecting the Honor Chairman and the Honor Representatives and supervising the investigation of all cases that occur in this regiment. His work load has, at times, caused excessive delay in the processing of cases, which is obviously detrimental to both the accused and the Honor Committee.

(2) RECOMMENDED Course of Action. An Assistant Regimental Investigating Officer be elected or appointed by the Honor Committee. His primary duty should be administrative, i.e., Setting up subcommittee hearings, notifying honor representatives of committee meetings, etc.

(a) Justification. The assistant should reduce the workload for the RIO and release him to perform his primary task of supervising investigations.

(b) Minority Opinion. None.

(3) Program of Implementation. Incorporate this recommendation in the 1976 Honor Committee SOP.

g. ELAPSED TIME FROM THE REPORT OF AN OFFENSE TO A HEARING BEFORE THE COMMITTEE.

(1) Synopsis of the Problem. Due to several factors, including those stated in para f(1) above, the time elapsed from the report of an offense to the full committee hearing has frequently been in excess of a month.

(2) RECOMMENDED Course of Action. Under normal circumstances the maximum period of time from the report of an offense to the convening of a subcommittee be one week, and the maximum period from the completion of subcommittee action to the convening of the full committee be one week.

(a) Justification. This time frame will give all those involved in the investigation a concrete guideline to organize their efforts, hopefully increasing the efficiency of the entire process.

(3) Program of Implementation. Incorporate this recommendation in the 1976 Honor Committee SOP.

h. CADET ADVISOR TO THE ACCUSED.

(1) Synopsis of the Problem. There is at present no systematic way of insuring that all cadets have a complete understanding of the process by which they are judged by the Honor Committee.

(2) Alternative Actions.

(a) Action 1 - A cadet honor representative be assigned to act as advisor to the accused. He should have at his disposal a comprehensive check list of items to be discussed with the accused, all directed toward making him fully cognizant of the nature of the Honor Committee proceedings. This advisor should be the company honor representative of the accused, unless he has cause to disqualify himself. The Chairman of the Honor Committee should also have the option to disqualify the company honor representative if he perceives that there may be prejudice involved. It should be emphasized that the duties of this advisor are not legalistic in nature in the sense of a defense attorney, but are strictly directed towards keeping the accused informed.

(b) Action 2 - All of the measures detailed in (a) be adopted except that the advisor specifically not be the company honor representative of the accused.

(3) RECOMMENDED Course of Action. A cadet advisor be assigned with the described check list in hand, and that he be the company honor representative unless there is cause for him to be disqualified.

(a) Justification. The check list is necessary to insure that anyone accused of an Honor Violation be kept appraised of the nature of the proceedings. The Company Honor Representative should be the advisor since he is probably at least somewhat familiar to the accused, hopefully engendering a more open intercourse between advisor and accused.

(b) Minority Opinion. None.

(4) Program of Implementation. The duties of the cadet advisor should be made part of the 1976 Honor Committee SOP. A subcommittee of the 1976 Honor Committee should take on the task of preparing a checklist which will insure that the advisor impart to the accused an intimate familiarity with Honor Committee Proceedings.

i. INFORMING THE ACCUSED OF HIS OFFENSE.

(1) Synopsis of the Problem. There is at present no systematic way in which an accused is advised that he is under investigation by the Honor Committee for an honor violation or to describe the nature of the violation of which he is accused.

(2) RECOMMENDED Course of Action. A worksheet be prepared on which the Regimental Investigating Officer record the suspected violation and present to the accused when the investigation is begun. This copy should be forwarded to the chairman of the subcommittee convened to investigate the case, who in turn should forward it to the Honor Chairman with any appropriate adjustments. Should any adjustment be made, the accused should be presented with a copy of the change a reasonable time before the hearing.

(a) Justification. This is another action designed to make the accused aware of the entire proceeding. It prevents the possibility of the accused cadet arriving at the Honor Committee Hearing not knowing precisely of what offense he is accused.

(b) Minority Opinion. None.

(3) Program of Implementation. A subcommittee of the 1976 Honor Committee should establish a format for this worksheet with advice and recommendations from the Law Department. Special attention should be paid to limitations on altering the charges as the investigation progresses.

j. OFFICER ATTENDANCE AT HONOR COMMITTEE HEARINGS.

(1) Synopsis of the Problem. In the past officers have not been permitted to attend Honor Committee Hearings except in the role of witness. This has caused misunderstanding on the part of members of the Staff and Faculty as to how the Honor Committee functions and how particular verdicts are decided.

(2) Alternative Actions.

(a) Action 1 - Officers be permitted to attend Honor Committee hearings in a "non-participating" role; they are not allowed to direct questions to witnesses or Honor Committee members, but only to observe.

(b) Action 2 - Officers be permitted to attend Honor Committee Hearings and participate in questioning witnesses.

(c) Action 3 - No change to the present policy.

(3) RECOMMENDED Course of Action. Members of the Staff and Faculty be allowed to attend Honor Committee Hearings in a non-participating role

(a) Justification. Officer attendance will help to improve communication between the Honor Committee and the Staff and Faculty. The "non-participating" role will avoid the possibility of an officer's opinion unduly influencing the jury solely by virtue of the fact that he is an officer. It will also preclude a cadet perception that an officer or group of officers may "pressure" the Honor Committee into a decision.

(b) Minority Opinion. None.

(4) Program of Implementation. All officers should be notified by letter that they are invited to attend all open Honor Hearings. The date and time of specific Honor Hearings should be passed from the Honor Committee Academic Liaison to the Officer Honor Liaison in the Department concerned. He in turn should notify members of his Department.

k. OPEN OR CLOSED HONOR COMMITTEE HEARINGS.

(1) Synopsis of the Problem. In the past the criteria for determining whether a meeting be open or closed has fluctuated, with the accused frequently denied any choice in the matter.

(2) Alternative Actions.

(a) Action 1 - All hearings be open unless the Chairman has cause to close them. This would allow for maximum participation and exposure by the Corps and lend an "openness" to Honor Committee Proceedings.

(b) Action 2 - The accused be allowed to decide whether or not his hearing be open or closed. Due to the sensitive nature of the charges and the potential stigma attached even though he be exonerated and returned to the Corps, the accused should be allowed to eliminate some or all spectators from his Hearing.

(3) RECOMMENDED Course of Action. The accused be allowed to decide whether his hearing be open or closed and that he also have the option to designate that a particular class or company be eliminated from the proceedings (i.e., a first classman may not want members of the lower three classes to attend.) In addition, the chairman should be authorized to close a hearing for cause, such as an unruly audience. This cause should be clearly recorded and entered in the record of the proceedings.

(a) Justification. The accused should have the right to close or partially close his own hearing due to the sensitivity of the issues involved and the potential for post-hearing prejudice.

(b) Minority Opinion. None.

(4) Program of Implementation. This recommendation should be incorporated in the 1976 Honor Committee SOP. It should also be made one of the points on the checklist which the adviser uses to brief the accused.

l. THE COMPOSITION OF THE JURY AT AN HONOR COMMITTEE HEARING.

(1) Synopsis of the Problem. As a means to solicit greater participation from the Corps at large in Honor Committee proceedings, it has been suggested that members of the Corps be made part of the jury at Honor Committee Hearings.

(2) Alternative Actions.

(a) Action 1 - One or two members of the Corps at large be made members of the jury at Honor Committee Hearings. This does achieve the effect of greater Corps participation.

(b) Action 2 - The job of juryman is so sensitive in nature that it should be filled only by an Honor Representative.

(3) RECOMMENDED Course of Action. The jury be comprised only of Honor Representatives.

(a) Justification. At present members of the Corps at large may participate in Honor Committee proceedings by attending an Honor Hearing and directing questions to witnesses. Those involved in making the final decision of guilt or innocence of the accused should have a sensitivity to the issues which can be guaranteed only through exposure to many cases; therefore the jury should be comprised solely of Honor Representatives.

(b) Minority Opinion. None.

(4) Program of Implementation. There is no change to the present policy.

m. PRESENCE OF THE ACCUSED AT HIS HEARING.

(1) Synopsis of the Problem. The present policy is that the accused be present during his Honor Committee Hearing only during his own testimony. This does not give him the opportunity to be fully cognizant of the proceeding by which he is judged.

(2) Alternative Actions.

(a) Action 1 - The policy should remain as is. The presence of the accused may cause the witnesses against him not to be forthright in their testimony, and their presence would give the accused an opportunity to manipulate his testimony based on the testimony of others.

(b) Action 2 - The accused be allowed to be present during the Hearing, so that he may be fully aware of the process by which he is judged.

(3) RECOMMENDED Course of Action. The accused be allowed to be present during the entire Honor Committee Hearing.

(a) Justification. This recommendation is in keeping with the traditional right of the United States Citizen to be constantly aware of all evidence presented against him in any proceeding in which he is the respondent. He should be able to "look in the eye" those witnesses testifying against him.

(b) Minority Opinion. None.

(4) Program of Implementation. This recommendation should be incorporated in the SOP of the 1976 Honor Committee.

n. CONFRONTATION OF WITNESSES BY THE ACCUSED.

(1) Synopsis of the Problem. If recommendation 3(m) is implemented and the accused is allowed to be present during his Hearing, should he then be allowed to confront his witnesses?

(2) Alternative Actions.

(a) Action 1 - The accused not be allowed to question his witnesses as this will probably result in continuous and potentially raucus confrontations between the two.

(b) Action 2 - The accused be allowed to confront his witnesses by way of written questions directed through the Chairman. This would avoid oral confrontations which may be disruptive, but would give the accused a chance to put questions to his witnesses.

(c) Action 3 - The accused be allowed to confront his witnesses through oral questions after being recognized by the Chairman. Should an untoward confrontation develop, the Chairman has the option to at any time declare that the accused must resort to written questions.

(3) RECOMMENDED Course of Action. The accused be allowed to confront his witnesses through oral questions after being recognized by the Chairman. Should any untoward confrontation develop, the Chairman has the option to declare that the accused must resort to written questions. Written questioning would be sluggish and subject to misinterpretation. The accused would have to write out the question and pass it to the Chairman, who then must read it in such a way as to pass along the original meaning. Oral questioning is more direct and efficient, and the option on the part of the Chairman to revert to written questions would be a deterrent to "shouting matches".

(b) Minority Opinion. The accused should be allowed to confront his witnesses through written questions only. Allowing the accused to ask oral questions of the witnesses lends itself to a continual debate which will be disruptive to the Hearing.

(4) Program of Implementation. The fact that the accused may confront his witnesses should be incorporated into the 1976 Honor Committee SOP. When a decision is made as to the form the questioning should take, that should also be incorporated.

o. DUTIES OF THE HONOR CHAIRMAN.

(1) Synopsis of the Problem. The Chairman of the Honor Committee is a position which carries both great responsibility and time consuming duties. Among other things, he must Chair the Hearings, supervise programs of instruction, brief visitors, and coordinate with the Tactical Department. Any additional chain of command duties make it extremely difficult to be an effective Honor Chairman.

(2) RECOMMENDED Course of Action. The position of Honor Chairman should be that of a permanent cadet captain, and under normal circumstances the Honor Chairman should have no other cadet chain of command duties. In order that he does not lose touch with Corps attitudes, he should live in the vicinity of his former company.

(a) Justification. The leadership demands on the Honor Chairman are such that no other chain of command duty is necessary for leadership development. The Chairman will be able to deal much more effectively if the Honor Committee is his sole duty.

(3) Program of Implementation. The Commandant should make it Standard Operating Procedure that the position of Honor Chairman be that of a cadet captain and that the individual who is Honor Chairman have no other chain of command duties.

p. ELECTION OF HONOR REPRESENTATIVES.

(1) Synopsis of the Problem. Honor Representatives in the past have been elected anywhere from the beginning of third class year to the middle of second class year. At the Naval Academy, apprentice (temporary) Honor Representatives are elected during fourth class year to help perform trivial administrative duties with the idea of getting more people involved with the Honor System. The problem is to standardize the time at which Honor Representatives are elected.

(2) Alternative Actions.

(a) Action 1 - Elect temporary Honor Representatives with the change of each detail during Fourth Class Year to apprentice, and then elect a permanent Honor Representative at the end of Third Class Year. Electing these apprentice Honor Representatives gives a point of contact for the Fourth Classmen in the company and encourages more Fourth Classmen to get involved in the system.

(b) Action 2 - Elect Honor Representatives at the end of Third Class Year. This gives the individuals in the company enough time to get to know each other well enough to judge the attributes required in an Honor Representative, and this option still gives the newly elected Honor Representative a year to become familiar with the workings of the Honor Committee before he becomes a First Classman.

(3) RECOMMENDED Course of Action. Elect Honor Representatives at the end of Third Class Year.

(a) Justification. There are implicit dangers involved in electing Fourth Class Honor Representatives. There is not time for the Fourth Classmen to insure the individual whom they elect has the proper attributes for the job, and in fact if someone were elected who did not have the proper attitude he could be an extremely bad influence on his classmates. Sufficient involvement may be elicited from Fourth Classmen in other ways, one of which is by requiring them to attend a certain number of Honor Hearings.

(b) Minority Opinion. None.

(4) Program of Implementation. Incorporate this recommendation in the 1976 Honor Committee SOP.

q. PROCEDURES FOR ORDERLY CHANGE.

(1) Synopsis of the Problem. An examination of the report of the Historical Development Committee indicates that in the past changes in the Honor Code and System have been frequent and often without the proper sanction. Changes have been made variously by Superintendents, Commandants, Deputy Commandants, and Honor Chairmen, some of which have been without apparent motivation or regard for the stability of the system. Some sort of mechanism is needed to insure that changes in the Code or System have the proper sanction and are instituted in an orderly fashion.

(2) RECOMMENDED Course of Action. A subcommittee of the Honor Committee be formed whose sole purpose is to insure that proposed changes have the proper sanction. Any Honor Representative should be able to move to refer proposed changes from any source to this subcommittee. Hopefully, minor procedural changes in the Honor Committee Operation will not be delayed by this process, but any fundamental change in the Code or System will be referred by this subcommittee either to the full Honor Committee or the Corps for approval.

(a) Justification. This procedure should act as a check to arbitrary change, while it is not so complicated as to delay unnecessarily needed changes.

(b) Minority Opinion. None.

(4) Program of Implementation. A subcommittee of the 1976 Honor Committee should be appointed or elected to perform the function of deciding the level of approval necessary for change—either the Corps of Cadets, the Honor Committee, or the Chairman of the Honor Committee. The precise criteria for referral to each level should be worked out by the 1976 Honor Committee.

r. ASSISTANT TO THE HONOR COMMITTEE.

(1) Synopsis of the Problem. The Honor Chairman is overburdened with administration such as typing, filing, and consolidating reports and has no one specifically designated on whom he can depend for assistance in this area.

(2) Alternative Actions.

(a) Action 1 - An E-6 and a secretary be appointed to assist the Chairman with administration and an area be designated in which they can operate with all of the appropriate administrative aids. An NCO is sufficient to help the Chairman with administration. At present the Deputy Commandant is the officer liaison between the Honor Committee and the Tactical Department, and he is available, if needed, to give guidance and council. An officer assigned in a supervisory role could probably make a contribution through additional counseling and supervision, but the officer might consciously or subconsciously become too involved in Honor Committee activities. This might be detrimental to the Corps' perception that cadets alone administer the Honor Code without any interference from officers and even foster the attitude that an officer is "running" the Honor Committee. The ramifications of such an attitude are potentially dangerous.

(b) Action 2 - Appoint an officer and a secretary whose primary duty is to assist the Honor Committee with its administration. This officer would also assist the chairman in supervising instruction, effecting liaison with the Staff and Faculty, and being available for advice and council to members of the Honor Committee. At present the Cadet Honor Committee operates with little or no real administrative support and, therefore, cannot adequately document all honor proceedings. Similarly, the Committee is not able to "communicate" with the Corps of Cadets satisfactorily on matters pertaining to honor (distribution of case summaries, support of on-going cadet honor instruction, etc.). An officer in such a position could positively affect many operational aspects of the Cadet Honor System in the following ways:

1. By providing, as mentioned above, administrative support for the Cadet Honor Committee, as well as mature professional guidance and continuity for the Honor System.

2. Acting as a point of contact for members of the Staff and Faculty.

3. Monitoring the processing of honor cases - from initiation through officer board proceedings (if necessary) - to insure that the entire, complex process is timely and handled in a thorough manner.

4. By acting as the principal agent for creating and maintaining a greater awareness of honor among the Corps of Cadets and Staff and Faculty, and as principal advisor for cadet honor instruction.

The appointment of an officer to such a position is in keeping with the viewpoint expressed by the Superintendent that the Honor Code at West Point belongs to the officers as well as the cadets. A full-time Officer Representative to the Cadet Honor Committee could operate effectively without imposing undue "influence" on the Committee. The position should come under the direct supervision of the Commandant of Cadets.

(3) RECOMMENDED Course of Action. The Study Group is almost equally divided between Actions 1 and 2. The vote falls out generally along the lines of officers on the Study Group for an Officer Assistant and cadets for an NCO assistant. There is unanimous agreement that there should be a secretary designated whose primary purpose is to assist the Honor Committee, and that some sort of office should be established in which she and her supervisor can effectively operate.

(a) Justification. N/A.

(b) Minority Opinion. N/A.

(4) Program of Implementation. The officer or NCO should be appointed on orders, and a secretary and office space be designated by the Commandant for use by the Honor Committee.

s. ACADEMIC DEPARTMENT HONOR LIAISON OFFICER.

(1) Synopsis of the Problem. At present liaison between the Cadet Honor Committee and the Academic Departments is not effective. This is due partly because of a lack of initiative on the part of the cadet academic liaison representatives, but also because in some departments there is no specific contact point, and in others the designated officer-contact is not readily accessible.

(2) RECOMMENDED Course of Action. Each department appoint an official Honor Liaison Officer. He should make himself accessible to the cadet liaison and should have at a minimum monthly meetings with him to be brought up to date on all Honor Committee activities. The Honor Liaison Officer should occasionally meet with members of his Department to pass information gained from these meetings.

(a) Justification. There is presently poor communication between members of the Staff and Faculty and the Honor Committee. This recommendation is directed toward improving this communication and setting up a viable dialogue between the Academic Departments and the Honor Committee.

(b) Minority Opinion. None.

(3) Program of Implementation. The Dean's Office should publish a joint list of all Department Officer and cadet Honor Liaison Representatives. The Officer should meet with the members of the Department to explain his purpose and duties. The Chairman of the Honor Committee should insure that good communication is established with each Department and check occasionally to see that it is maintained.

t. TRANSIENT BILLETS.

(1) Synopsis of the Problem. At the conclusion of the Honor Committee Hearing the individual determined to have committed an Honor Violation is separated from the Corps by being moved into the Transient Billets to await further proceedings. He continues to attend class and meals, but may return to his former company area only under guard. This procedure came about originally because the Honor Committee is the authority in the eyes of the Corps on honor matters, and irrespective of the results of further proceedings the violator was separated after the Honor Committee Hearing as far as the Corps was concerned. Since very few violators elected to take Officer's Boards, this practice of moving them to the Transient Billets did not cause problems. At present, however, a large number of violators do elect to take Officer's Boards, which means an extensive separation in the Transient Billets while awaiting the board. This is seen by some as cruel and unusual punishment with no rehabilitative value.

(2) Alternative Actions.

(a) Action 1 - Eliminate the Transient Billets. Allow all cadets to return to their companies after the Honor Hearing to await further action.

(b) Action 2 - Move cadets into the Transient Billets only after having been found guilty of an Honor Violation by a Board of Officers. This would maintain the idea of separating the violator from the Corps, but significantly reduce the length of the stay.

(c) Action 3 - Maintain the Transient Billets. Separating the violator from the Corps reaffirms the confidence of the Corps in the Honor Committee and reaffirms the role of the Honor Committee as the authority on honor matters.

(3) RECOMMENDED Course of Action. Maintain the Transient Billets for all cadets determined to be violators of the Honor Committee.

(a) Justification. Even though more cadets elect to take Officer's Boards after the Honor Committee determines them to be violators, the perception that the Corps, through its Honor Committee, is the authority on Honor Violations must be maintained. Moving violators into separate quarters is a ratification of that perception.

(b) Minority Opinion. The use of the transient billets to quarter involuntarily cadets pending board action brought about by allegations from the Honor Committee constitutes a form of discrimination. The assignment to the transient billets is the official action of the U. S. Government rather than the social action of the cadets. The discrimination occurs when they are used for honor cases only while cadets pending board action for other matters such as use of marijuana or other serious offenses to include offenses which but for the inaction of the Honor Committee would constitute honor violations are not so segregated. As a practical matter, cadets remaining to appear before a board are subjected to the harassment of continually changing roommates with the attendant loss of personal property over a long period of time. Furthermore, the adage that the cadets will be infected by the alleged violator's presence is no longer supportable. Living in the presence of "tainted" individuals has a tendency to foster maturity instead of parochialism. A final reason for this opinion is that this activity has been and will be subject to both litigation and political criticism.

4. Program of Implementation. None.

ANNEX F (STRUCTURAL MODIFICATION) to Report of Superintendent's Special Study Group on Honor

1. ORGANIZATION:

The Structural Modification Committee was created in April to consider variations to the system by which allegations of honor violations are processed to final disposition. Specifically, two proposals were to be compared to the current system, one submitted by Colonel Thomas C. Oldham, JAGC and the other by Cadet William E. Andersen '76, Chairman of the '75 - '76 Honor Committee. In addition, the committee was empowered to consider any modifications that appeared to be prudent as a result of deliberation over the two directed proposals. The membership included:

MAJ John H. Darrow
CPT Richard H. Sinnreich
CPT Richard W. Thoden
CDT William E. Andersen
CDT Paul T. Migaki
CDT George B. Thomson

2. STRUCTURAL MODIFICATIONS:

a. Synopsis of the Current System.

The current system includes two main subsystems: the cadet controlled process leading to the full board determination of valid or not valid, and the system by which a cadet having been recommended for separation may request a hearing by an AR 15-6 Board. The cadet controlled process begins at the company level in the case of a cadet reported violation, and at the Regimental Investigating Officer level for an officer reported violation. In both cases, the Regimental Investigating Officer conducts the investigation in conjunction with the Company Honor Representative, who will act as the cadet in question's advisor throughout the process. If, after the investigation, the RIO determines that the evidence warrants it, a subcommittee consisting of three members is convened. This subcommittee will normally be chaired by a First Classman, with a Second Classman sitting as a recorder. A finding of a conflict by any one member of the subcommittee will be sufficient to forward the case to a full board. The full board consists of twelve members, from a different regiment from the cadet in question, and having no knowledge of the allegation. After hearing all testimony, the Board goes into deliberation closed to everyone but honor representatives. After deliberation, the committee members on the full board are required to vote valid or not valid on the allegation by secret ballot. A valid determination requires the removal of the cadet to transient barracks that night. The cadet then is given two options: to resign, or request a 15-6 Board.

If the accused elects a hearing before an AR 15-6 board of officers, his case is heard before a board of five officers appointed by the Superintendent. The accused is given legal counsel and may hire civilian counsel if he so desires. A majority vote is required for a guilty finding by this board. The board then forwards its findings and any recommendations to the Superintendent.

Note: See Appendix 1 for a more detailed description of the current system. This description reflects the most recent evolution of system procedures.

b. Synopsis of the Problem.

The current system has resulted in a loss of legitimacy in the eyes of the Corps of Cadets. Seven out of eight cases during the current academic year that were forwarded by unanimous vote of the full Cadet Honor Board and considered to have sufficient evidence to support a valid finding at the AR 15-6 Board level were ultimately found invalid. Many cadets on the Honor Committee and in the Corps at large question the meaningfulness of the findings of the Cadet Honor Board. Additionally, comment was made by the Federal judge in the court decision Andrews and White v. Knowlton that the current system was "wholly lacking in procedural safeguards" at the cadet hearing level. This would indicate the need for revision to preclude challenges in appellate forums.

Finally, many honor committee procedures have evolved over time and change now and then. This uncodified evolution leaves the system vulnerable to challenge.

c. Alternative Actions.

(1) Action 1 - Maintain the Status Quo. The current system requires a minimum of administrative support and focuses effort on the cadet level, reinforcing a strong sense of proprietorship. USMA has received no external directive to revise the system, only a juridical opinion that the system was lacking in safeguards of individual rights. The disadvantages are as stated in the "Synopsis of the Problem."

(2) Action 2 - Cadet Andersen's Proposal.

(a) Description.

The Andersen System, developed by the 1975-1976 Chairman of the Honor Committee in consultation with others, is basically a revision of current procedures, and is directed for the most part at restoring a measure of cadet participation in honor cases at all system levels, including the AR 15-6 Board Proceedings.

The system envisions no change in the current reporting process and subsequent forwarding to the Cadet Regimental Investigating Officer. Subcommittee selection and composition procedures are also unchanged, but the Andersen System requires drafting a written allegation at the subcommittee level, if a case is to be forwarded.

At the full cadet board, changes from present procedures include a reduction in the size of the Honor Board from 12 to 9, and a change in the criteria for voting from validity of the allegation to sufficiency of evidence to warrant forwarding the case to an AR 15-6 Board. The revised criterion, which does not produce a prejudicial finding, is the rationale for replacing the requirement for a unanimous vote and with a two-thirds vote to forward.

The final system level (excluding review by the Superintendent or the Department of the Army) is the AR 15-6 Board, presently composed exclusively of officers. The Andersen proposal would permit First Class Cadets to comprise a simple majority of the members of an AR 15-6 honor proceeding. All other proceedings beyond the 15-6 finding would remain similar to the present system.

(b) Advantages.

The Andersen proposal offers advantages in each of the areas addressed by the committee. Compared to the present system, it calls for more formalized case-handling procedures at the cadet level, earlier specification of allegations, and more consistent criteria for the examination of evidence. These improvements, and the elimination of a prejudicial finding at the Honor Board level, markedly improve the system's adherence to due process requirements, and reduce the vulnerability of the system to future legal challenge.

On the other hand, compared to the Oldham proposal, the Andersen proposal promises readier acceptance by the Corps. Structurally, the present cadet-operated system is largely retained, maximizing cadet participation and providing adequate room for the exercise of discretion by key members of the Cadet Honor Committee. More important still, the inclusion of cadets on the AR 15-6 Board restores a degree of cadet influence on the outcome of a case, and promises to reduce or eliminate the present danger to legitimacy posed by frequent reversals of Honor Board findings by AR 15-6 Boards composed entirely of officers.

The Andersen proposal also offers several educational advantages. Broad cadet participation in the full process, and some scope for publication of case-related information, support the educational efforts of the Honor Committee; while formal participation on the AR 15-6 board of cadets selected from the Corps at large will expose the latter to a procedure similar to courts-martial, and also reinforce instruction in military justice procedures presented at USMA.

Finally, the Andersen proposal offers several administrative benefits. Both the changed criterion used by the Honor Board, and its reduced membership, would expedite case processing. Secretarial burdens are minimized by the acceptability throughout most of the process of informal (handwritten) documentation, and the addition of cadets to the AR 15-6 Board promises to reduce demands on officer time. The impact of the Andersen proposal on the screening of cases is less predictable, but the retention of a multistage process, the tightened procedures at the cadet board level, and the presence of cadets on the AR 15-6 Board may tend to reduce the number of cases which are taken to final board action.

(c) Disadvantages.

Possible problems with the Andersen System as compared to the two other systems fall in six general areas: due process considerations, defensibility of the system against legal challenge, legitimacy with the Corps, education in the system, administrative burden, and screening of cases to insure elimination of unsupportable allegations.

Possible due process faults include the exclusion of partisan legal counsel until the AR 15-6 proceeding, and the inability of the accused to review all evidence against him prior to the 15-6 Board.

Legal defensibility may be lacking in that the system fails to provide increasing gravity in voting as a cadet proceeds through the system, evidenced by a two-thirds vote at the full board level and a simply majority at the 15-6 Board.

Legitimacy might suffer from the inability of the cadet in question to confront his accuser until the full board, potential exclusion of evidence by the full board as well as the 15-6 Board, and the possibility of cadet confusion about the criteria used by the full board to forward the case to a 15-6 proceeding.

Educational problems arise from the difficulty in developing hard criteria to define honor violations, which results from imposition of a sufficiency of evidence finding, limits placed on publication of case material prior to final disposition of the case, the greater educational burden laid on the vice chairman for education, and the fact that these procedures differ from those typically employed in Army administrative proceedings.

A greater burden will be placed on cadet time if this system is adopted, in that cadets will be required to sit on 15-6 Boards, unlike either the present system or the Oldham proposal.

The revised voting standard may result in more cases being forwarded from the full cadet board.

(3) Action 3.

(a) Description.

Colonel Oldham, Professor Department of Law, advanced a proposal for structural change to the Cadet Honor System.

The system provided for the creation of a "West Point Honor Code Screening Committee" comprised of six (6) voting members, 3 cadets and 3 officers, with an additional non-voting officer to act as the Secretary for this standing committee. This officer, designated an Assistant S1, USCC, would receive documentary evidence of alleged violations of the Cadet Honor Code from the Cadet Regimental Investigating Officer (RIO) if cadet reported and from the officer representative of the Department concerned if officer reported. The committee would screen multiple cases simultaneously directing the gathering of complete information on the offense and having it put into appropriate format. Once the documentary evidence was as complete as possible, they would determine by vote if substantial evidence in support of the allegations existed. If a majority vote supported this finding, a formal written notification of allegation would be sent to the cadet respondent inviting submission of matters on his behalf. Final majority vote on a reasonable belief of violation subsequent to this submission would result in a letter to the Deputy Commandant recommending that the case be heard before an AR 15-6 Board. The Deputy Commandant would inform the respondent of his options and the case would be processed at the AR 15-6 level as it is now under the current system.

(b) Advantages.

Colonel Oldham's proposal of a joint officer-cadet screening committee would provide a forum more experienced in Army Board Actions. The use of written evidence would provide hard documentation of matters considered in arriving at the committee decision. More stringent evidenciary procedures in keeping with the rules of evidence for AR 15-6 proceedings would result in potentially fewer reversals of cadet board recommendations. Individual rights would be better protected by the formalized procedure, formal written notification of allegations, and provision of ample time for the accused to submit matters in his behalf. Additionally, administrative processing time would be minimized by the simultaneous handling of multiple cases by an experienced committee. The Screening Committee would more closely follow the functions of a grand jury than under the current system. Finally, the centralized Screening Committee would eliminate variation in policies between regiments. Common standards of investigation, evidence and recommendation criteria would result.

(c) Disadvantages.

The proposal would eliminate the role of the Cadet Honor Board and sharply restrict the opportunity for the Corps of Cadets to perceive it is "policing its own ranks." Legitimacy within the Corps is the prime weakness in that the system must inevitably rely on the emotional backing of the Corps as operators, and direct managers. If they are not ego-involved with a proprietary interest whatever system decided on will fail. Also, processing time would be greatly expanded, as the formal notification and opportunity to respond may take up to two (2) weeks if the respondent retains counsel. This is inherently undesirable and is exacerbated by the fact that "Boarders' Ward" separation from the rest of the Corps would be eliminated.

The formal documentation of cases early in the process would increase the administrative burden of secretarial support and statement gathering and composition. While this information is normally obtained for cases reaching the AR 15-6 Board level, the earlier undertaking of the effort would result in its being accomplished for all cases, to include those eventually dropped prior to the AR 15-6 level. A more subtle problem is that some valid cases of honor violations may be dropped at the Screening Committee level as a result of the exclusive use of documentary evidence. Without the spontaneity of verbal testimony and exchange, much of the elaborative nuances of circumstances and intent would be obscured. Non-verbal reactions would be lost. In addition, the allowance of ample time to respond in writing to derogatory evidence, while protecting individual rights, might permit "managed" responses that confuse or cloud the facts as much as they contribute to them. Finally, postponement of the announcement of cases until after the AR 15-6 findings would protect the rights of respondents but also detract from the sense of involvement for the Corps. They would only hear about honor system activity after-the-fact.

d. Recommended Course of Action.

That Alternative 2, Cadet Andersen's proposal, be adopted with minor modifications. Formal procedures for dropping a case before the subcommittee level are specified. Written notification of the investigation would be sent to the accused at the convening of the subcommittee. The voting standard for sufficiency at the full cadet board would be 7 of 9 to forward rather than a 2/3 vote. A more detailed explanation of the recommended system is contained at Appendix 3.

(1) Justification.

In evaluating the alternative systems, the committee developed a set of seven characteristics considered important to an effective Cadet Honor System. They were:

(a) Due Process, to include

- Mechanisms for formal notification of the accused concerning the allegation.

- Right of the accused to submit and review evidence.

- Provision of advice on system procedures.

(b) Minimization of likelihood that a decision will be reversed in the courts.

(c) Legitimacy to the Corps.

(d) Maximum contribution to education in:

- The principles of the Honor Code and the operation of the Honor System.

- Military Justice procedures.

(e) Rapid disposition of cases.

(f) Minimization of administrative burdens.

(g) Mechanisms for screening of cases.

The Table below depicts the Committee's judgment regarding the relative performance of the alternatives. (Where duplicate numbers exist, the Committee was unable to differentiate between the probable performance of the alternatives concerned).

	Due Process	Minimum Probability of Reversal	Legitimacy	Maximum Contribution to Education	Rapid Disposition	Minimum Administrative Burden	Effective Screening
Current System	3	3	2	1	1	1	2
Andersen System	2	2	1	2	1	1	3
Oldham System	1	1	3	3	3	3	1

1=Best, 3=Worst

* Note: See Appendix 4 for detailed supporting analysis

The modified Andersen proposal maximizes the cadet sense of proprietorship by retaining a cadet screening hearing and including cadets on the AR 15-6 Board. Thus, it increases the probability of support from the Corps by decreasing the chance of cases being dropped without involvement of cadets in those decisions. The formalization of procedures emphasizing due process and a non-prejudicial (grand jury) hearing at the cadet board level will significantly enhance the "safeguards" referred to by the judge in the Andrews and White v. Knowlton case. Written notification of the nature of the investigation is given prior to the subcommittee hearing and adequate opportunity and time is given the accused for submission of evidence on testimony in his own behalf.

The increased cadet involvement in the system and the codification of procedures in conformity with the letter and spirit of individual right to due process strengthens the educational value of the system as a whole.

(2) Adjunct View.

(a) Synopsis of the Problem.

We all agree that the central problem facing the Honor System is the loss of legitimacy in the Corps of Cadets resulting from the increasing number of cases overturned at the AR 15-6 Board level. The majority recommendation seeks a solution to this problem primarily through changes in the process by which a case arrives at the AR 15-6 Board. We believe too little attention has been paid to what happens when it gets there.

The heart of the legitimacy problem, we believe, is an institutional crisis in which the standards of the Honor Code as applied at the AR 15-6 Board are perceived by cadets to be different from those taught by the institution and applied by cadets at the Cadet Honor Board. The institution teaches an ideal concept of honor according to which all dishonorable acts are equally reprehensible and deserving of equal punishment. Adhering to this concept the Cadet Honor Board judges the validity of an allegation based solely on whether the evidence confirms commission of the offense. The AR 15-6 Board, on the other hand, is perceived by some cadets (and some officers) to modify a strict finding of fact by considerations of gravity of offense and defensibility of the sanction to higher authority.

If this indeed occurs, it is because the members of the AR 15-6 Board are restricted to choosing between a valid finding resulting in an automatic recommendation to dismiss or an invalid finding resulting in the total vindication of the accused. Thus restricted, members of the AR 15-6 Board may be reluctant to find valid an allegation confirmed by the evidence, but which constitutes an offense for which dismissal seems either disproportionately severe or vulnerable to challenge at a higher level. The resulting invalid finding, however, attacks the competence of the Cadet Honor Board to judge the facts, and risks degrading the standard taught by the institution itself.

(b) Recommendation.

The members of the AR 15-6 Board should be instructed to determine validity based solely on whether or not a reasonable mind can accept the evidence as adequate to support the allegations. Until such establishment of validity, no consideration should be given to the gravity of the offense, the appropriateness of the punishment, or the potential vulnerability of the latter to challenge by higher authority.

For this procedure to succeed, however, some provision must be made to allow the Board, after a determination of validity, to apply to its recommendation some discretion as to punishment based on extenuating or mitigating circumstances. The Committee was divided on precisely how such discretion should be implemented.

(c) Justification.

The recommendation would insure that both the Cadet Honor Board and the AR 15-6 Board judge validity by the same criterion. An invalid AR 15-6 Board finding would therefore clearly indicate an evidentiary or procedural difficulty which the Cadet Board could thereupon seek to correct. Ultimately, this feedback should result in fewer of the AR 15-6 Board reversals which presently undermine the legitimacy of the Cadet Honor Committee.

In addition, the recommendation would more adequately reflect the educative function of the Honor System by allowing room for the rehabilitation of offenders in circumstances where such rehabilitation promised to be successful.

Finally, by explicitly assigning guilt while allowing for moderation of penalty, the revised procedure would permit the retention of an absolute standard while tempering its enforcement in recognition of human frailty and the reality of the outside pressures facing the institution.

e. Program of Implementation.

(1) Changes to USMA Regulations are required to establish the Joint Honor Board: Article 16, Para 03a:

A cadet who is subject to separation or punitive action under the provisions of Article 12 of this Regulation, except paragraphs 12.14 or 12.16, may, in the discretion of the Superintendent, etc.

Para 03b (new insert):

A cadet who is subject to separation or punitive action under the provisions of paragraph 12.14 of this Regulation may, in the discretion of the Superintendent, be brought before a board of officers and cadets convened by the Superintendent, or be permitted to resign in lieu thereof.

Para 03b is changed to 03c.

Para 03c is changed to 03d.

Para 03d (new insert):

If the cadet appears before a board of officers and cadets, the board shall consist of one Colonel who shall be the president, at least two other officers, and at least four cadets selected at random from the same class as, or classes senior to, the cadet appearing before the board, and not members of the latter's regiment. For good cause shown, the Superintendent may modify the composition of the members as to grade, class, or regiment. The Board will make findings with respect to the matter under investigation and, if appropriate, will make recommendations concerning separation from the Military Academy. The Board will submit a report of its proceedings, etc. (Note: If provisions for discretion are introduced in the final system, appropriate language should be added to this paragraph.)

Para 03d is changed to 03e, and revised as follows:

If permitted by the Superintendent, a cadet may tender a resignation from the Academy after having been advised of the implications thereof. The resignation shall be in lieu of trial by court-martial or in lieu of appearance before a board of officers or a board of officers and cadets. It shall be processed, etc. etc.

(2) Policy and procedures for selection of cadet members of the AR 15-6 board and establishment of the duration of that membership must be accomplished.

(3) A program to inform the Corps of Cadets of the changes and their rationale must be developed and activated. Care must be taken in selection of content - media - and timing in order to gain the fullest possible support of the Corps.

(4) Instruction on AR 15-6 board procedures should be incorporated in the 2^o curriculum prior to their participation as 1^o on the AR 15-6 boards as members.

(5) The recommended proposal will impact on the Study Group Recommendations as follows:

(a) — Concerning Familiarization with the Cadet Honor Code and System (Para 2a):

The Study Group recommends the posting of case summaries, presumably following the Cadet Honor Committee finding.

If the Andersen proposal is adopted, publication of the findings of the revised Honor Board prior to final disposition of the case would be inadvisable because of possible prejudice of cadets serving on the subsequent AR 15-6 board, and ambiguous because of the fact that "sufficiency" is not a definitive finding of guilt or innocence. Instead, rules of procedure governing the AR 15-6 Board should be amended to require the Board to produce a written opinion supporting its findings, which could then be used for honor instruction.

(b) -- Concerning the provision of a cadet advisor to the accused (Para 3h):

The Study Group recommends the assignment to an accused of a cadet advisor, normally the company Honor Representative, with a written checklist of procedural items with which to brief the accused.

Adoption of the Andersen proposal would lend additional weight to this recommendation, particularly to insure the accused understands the different functions of, and criteria employed by, the subcommittee, full board, and modified AR 15-6 Board.

(c) -- Concerning the presence of the accused at his hearing (Para 3m):

The Study Group recommends that the accused be allowed to be present throughout his Honor Committee hearing.

The Andersen proposal treats the Full Board as a grand jury, and excludes the accused during the testimony of other witnesses to insure full and uninhibited testimony.

(d) -- Concerning the confrontation of witnesses by the accused (Para 3n):

The Study Group recommends some form of confrontation, but is split over whether it should be oral or through submission of written questions.

The Andersen proposal precludes confrontation until the AR 15-6 Board (see previous comment).

f. Provision for Discretion.

(1) The Recommended Course of Action is adaptable to the introduction of discretion in the disposition of a case.

(2) If discretion is introduced, Article 12, Para 14, USMA Regulations must be changed as follows:

As reads "...shall be separated..." should read "...may be separated..."

APPENDIX 1 - (CURRENT PROCEDURES) to Annex F (Structural Modification)
APPENDIX 2 - (WEST POINT HONOR CODE SCREENING COMMITTEE) to Annex F (Structural Modification)
APPENDIX 3 - (RECOMMENDED SYSTEM) to Annex F (Structural Modification)
APPENDIX 4 - (SUPPORTING ANALYSES) to Annex F (Structural Modification)

APPENDIX I (CURRENT PROCEDURES) to Annex F (Structural Modification)

1. Cases brought to the attention of the Cadet Honor Committee follow standard procedure:

a. Investigation - Honor Representative.

(1) All possible honor violations should be reported to the company honor representative after the accusing party has confronted the accused. If the company honor representative feels that a possible honor violation has been committed he will immediately have all individuals concerned make written statements of relevant facts. The Regimental Honor Representative will then conduct a thorough investigation of facts and in conjunction with the Chairman and the Vice-Chairman for Investigation decide if an incident requires a Sub-Committee.

b. Investigation - Sub-Committee.

(1' The purpose of the Sub-Committee is to determine whether there is sufficient cause to warrant the presentation of the case before a full board. The Sub-Committee does not decide innocence or guilt. The question which a Sub-Committee asks are:

(a) Is there a conflict with the Honor Code?

(b) Can the incident be explained as a misunderstanding?

(2) The Sub-Committee shall be composed of three voting members, a chairman, recorder, and a member. Only one member of the Sub-Committee must feel there is sufficient evidence to convene a full board. It will be the duty of the Regimental Investigating Officer to select the time and place of the Sub-Committee meetings, arrange for the appearance of all witnesses and the accused, and present the case to the Full Honor Committee, if necessary. It will be the duty of the recorder to take complete notes of the hearing, compile all statements of the accused and witnesses, and write a final report. In the event the case goes to the Full Committee, the recorder will coordinate with the Secretary of the Honor Committee to insure there are sufficient copies of the report and any other relevant evidence for use by each board member.

(3) The Sub-Committee investigation should be as thorough as possible. The Sub-Committee should attempt to resolve all facts and conflicts by means of oral statements, questioning and any necessary written evidence. Any witnesses or the accused may be recalled as many times as desired to accomplish this end.

(4) If the Sub-Committee determines there is a lack of sufficient conflict they will recommend to the Chairman of the Honor Committee that the case be dismissed and forward a report to the Chairman. They will notify the accused and the witnesses of their recommendations. The Chairman will review the case and may overrule the Sub-Committee's recommendation. At this time he may bring the case to a Full Committee or dismiss the charges.

(5) In the event the Sub-Committee decides to present the case to the Honor Committee or the Chairman overrules the Sub-Committee recommendation of dismissal, the accused will be notified and will be permitted to select a member of the Honor Committee, other than member of the Sub-Committee as his advisor. Normally the advisor will be the Company Honor Representative of the accused but the choice is left to the accused. The Chairman of the Sub-Committee will then inform the Chairman of the Honor Committee of this decision and forward a report of the hearing to him. He will then insure that the accused's advisor is given access to the report of the hearing and all notes. He will also assist the advisor in making any additional investigation desired by the accused. Any facts favorable to the accused must not be omitted or overlooked. The Chairman of the Sub-Committee will be prepared to brief the Honor Committee Chairman upon request before convening the Full Board.

(6) The Chairman of the Sub-Committee will coordinate with the Secretary of the Honor Committee to procure any additional aids for presentation of the case to the Honor Committee.

c. Full Committee Procedures.

(1) The purpose of a hearing before the Cadet Honor Committee is to make a determination of the guilt or innocence of the accused. This determination shall be made by an application of the facts of the case to the concepts and standards of the Cadet Honor Code and Honor System.

(2) Full Committee meetings will normally take place in the Commandant's Conference Room, and will be convened at the direction of the Honor Committee Chairman.

(3) The accused may decide whom he desires to have attend his full committee hearing. He may discriminate by class, regiment, or company. Persons other than those permitted by the accused, except the Honor Representatives, will not be permitted to attend the full committee hearings.

(4) The Chairman will call the meeting to order and shall instruct all those in attendance on the need for proper decorum and questioning procedure. He will call upon the Chairman of the Sub-Committee who will present the facts of the case as established in the Sub-Committee hearing. The following points should be brought out by this introduction: name and company of the accused, witnesses involved, nature of the suspected violation and points of conflict. Questions of a general nature may be asked of the Honor Representative presenting the case at this time. It is at this time that members of the Honor Committee shall make the determination in their own minds as to whether or not they are qualified to sit as members if called upon.

(5) Honor Representatives from the same regiment as an accused are not precluded from voting; however, their names will be called only as a last resort to obtain twelve unbiased voters. The Secretary and/or the Vice-Chairman are eligible to vote as are the other Regimental Investigating Officers. Note that the Vice-Chairman may vote only if a member of the jury. In no case will the Honor Representative from the man's company, the men that were involved with the Sub-Committee or the Chairman of the Honor Committee vote on the guilt or innocence of an accused. The accused must be free of pressure and knowledgeable of the offense for which he is being tried.

(6) The accused will be the first to testify before the Committee. All cadets present in the room will rise each time the accused enters or leaves the room. He will present his side of the case and will answer questions. After the accused has testified, other pertinent witnesses will be called. Prior to the final closed discussion and vote the Chairman will ask the accused if he has anything he wishes to say to the Committee.

(7) Any witnesses will be called one at a time to testify before the Committee. The Chairman will instruct the witness that the Honor Committee is meeting to judge the guilt or innocence of the accused and will ask the witness to tell what he knows of the case. After the witness has testified he will be questioned. Any member of the gallery wishing to ask questions will direct them through a designated member of the Honor Committee. When there are no further questions, witness will be excused. This procedure will be repeated with each witness.

(8) After all witnesses including the accused have testified, the Board will go into closed deliberation. All relevant points of view and possible conflicts in testimony will be brought out in this discussion. If at any time the jury or the Chairman wishes to recall a witness or the accused, he will be recalled in order to clarify any points.

(9) After discussion of the case appears completed, the Chairman will ask whether there is any member of the jury opposed to a vote. If anyone is opposed to voting at this time, discussion will continue until all members of the jury are prepared to vote. The Chairman will then summarize the case, including all relevant points and possible conflicts and the curtain will then be opened. The Secretary will then read aloud the allegation and the members of the jury will vote by secret ballot.

(10) When the decision has been determined by the vote of the board, the accused will be recalled. If the allegation is found valid they will remain seated. The accused will be informed of the decision of the Committee and will again be allowed to make a statement to the Committee.

(11) If the allegation is found not valid the accused will be recalled with all persons present rising upon his entrance. He will be informed of the Committee's decision, permitted to make a statement to the Committee and be allowed to return to his company.

(12) Appearance before a Full Committee with a corresponding "not valid" vote will reflect in no way upon the cadet's integrity and sense of honor.

(13) If the Chairman of the Honor Committee is not present at the case, a Vice-Chairman or Secretary may sit as Chairman of a particular board.

(14) The Secretary will make a tape recording of the Committee meeting. If the Secretary of the Honor Committee is not present, any member of the Honor Committee may sit as Secretary, as designated by the Chairman.

(15) A report of the proceedings of all Full Committee meetings will be prepared by the Chairman, Cadet Honor Committee and submitted to the Deputy Commandant by 1000 hours on the day following the board.

d. Procedures when a Cadet is Found:

(1) Any cadet found of a violation of the Honor Code will be removed from his company as swiftly as possible. He may at this time elect to follow one of two options:

(a) Resignation: In the event a cadet elects to resign he will begin immediate outprocessing.

(b) Board of Officers:

1. If a cadet elects to have a Board of Officers, or court-martial, the S1, USCC, will arrange for legal counsel, if desired, and will prepare correspondence to the Superintendent requesting that he appoint a board of officers to investigate the case. After the final disposition by the Superintendent, based upon his action upon the recommendation

by the Board of Officers, the Deputy Commandant will inform the cadet in writing of the results of final action.

APPENDIX 2 (WEST POINT HONOR CODE SCREENING COMMITTEE) to Annex F (Structural Modification)

1. Purpose: To prescribe procedures for the processing of reports of possible honor violations referred to the West Point Honor Code Screening Committee.

2. General: The Committee is appointed by the Superintendent to consider reports of possible honor code violations by cadets.

3. Composition: The Committee will be composed of six voting members, including three commissioned officers and three cadets, and one nonvoting Secretary who will be a commissioned officer. The senior member shall be the Chairman. An Assistant S1, USCC, shall serve as the Secretary. Alternate members also will be appointed in the event that any member is absent or disqualified for good cause.

4. Functions: The Committee's function is to make inquiry into valid reports of possible honor violations referred to it and, if it appears that a probable violation has been committed by a cadet, to report it in the form of a specific written allegation to the Deputy Commandant of Cadets.

5. Procedures:

a. Referral of Possible Honor Violations.

(1) Academic Depts - Reports of possible honor violations involving academic matters will be referred by the Head of the Department concerned through the Dean of the Academic Board to the Committee Secretary..

(2) Tactical Dept - Reports of possible honor violations emanating from officers of the Tactical Department will be referred through the S1, USCC, to the Committee Secretary.

(3) Officer-Reported - A possible honor violation reported by an officer which is unrelated to the functions of an Academic Department or the Tactical Department will be referred by the officer concerned directly to the Committee Secretary.

(4) Cadet-Reported - A cadet report of a possible honor violation will be made through the Cadet Honor Committee to the Screening Committee Secretary.

(5) Reports of possible honor violations will be accompanied by detailed signed statements of witnesses and any available documentary evidence, in triplicate.

(6) The Committee Secretary will maintain a journal reflecting receipt and disposition of each report in pertinent detail.

b. Committee Action.

(1) The Committee will base its determinations solely on documentary evidence. Personal appearance of the cadet concerned, his counsel, witnesses, or others, is not authorized.

(2) The Committee will evaluate the evidence submitted with each case and will determine the need for written statements from additional witnesses or the reported cadet, amplification or clarification of witness statements by supplemental written statements, and for any other documentary evidence.

(3) If, after all pertinent evidence has been obtained, it appears that there is a basis for a possible honor violation, the Secretary will transmit to the cadet concerned a letter in the form set forth at Inclosure 1 which provides him an opportunity, if he so desires, to submit a written statement concerning the possible honor violation.

(4) Upon receipt of the cadet's statement or a negative response, the Committee will discuss the case and, if no further evidence is deemed necessary, vote by secret written ballot as to whether the evidence warrants a reasonable belief that the cadet in question violated the Honor Code in a particular manner. There will be full and free discussion of the case by Committee members prior to a vote.

(5) A majority vote of the six voting members is required in order to arrive at a determination of a possible honor violation. Only one vote will be taken on each possible honor violation.

(6) If the Committee determines that there has been a possible honor violation, it will be set forth in a letter to the Deputy Commandant of Cadets in the form of an allegation as shown in sample letter at Inclosure 2. The letter will inclose three copies of all pertinent evidentiary material.

(7) A letter in the form set forth at Inclosure 3 will be dispatched to the person who reported the matter to the Committee which informs him of the Committee decision.

6. Action by Deputy Commandant of Cadets:

a. Upon receipt of an allegation of an honor violation from the Screening Committee, the Deputy Commandant will provide the cadet a copy of the Committee's letter and inclosures. Except when otherwise directed by superior authority, he will advise the cadet that he may voluntarily resign from the Academy or that he may request that the allegation be investigated by a Board of Officers appointed by the Superintendent. He will further inform the cadet that he should seek the advice of his parents or others, including military legal counsel, prior to arriving at his decision. The cadet will be afforded a period of at least three days to inform the Deputy Commandant of his decision. The cadet will be advised of the above by means of the letter shown at Inclosure 4.

(File Symbol)

SUBJECT: Report of Possible Honor Violation

Cadet ________________, Class of _____
Company ____, United States Corps of Cadets
West Point, New York 10997

1. A report that you may have committed a violation of the West Point Honor Code has been referred to the West Point Honor Code Screening Committee for consideration. A copy of the report and accompanying documents are inclosed.

2. You are afforded an opportunity, if you so desire, to submit a written statement concerning the matter to the Committee. If any pertinent witnesses are referred to in your statement, the Committee will determine the need to obtain written statements from them concerning their knowledge of the matter.

3. You need not make any statement concerning the matter, but any statement you make will be given full consideration, along with the other evidence, by the Committee, and it may be used as evidence in subsequent administrative proceedings under paragraphs 12.14 and 16.03, Regulations, USMA.

4. You may seek the advice of military legal counsel to assist you in this matter. If counsel is desired, you should contact the Office of the Staff Judge Advocate, Room 230, Thayer Hall.

5. If no statement is received within five calendar days from the date of this letter, the Committee will consider the matter on the basis of available pertinent evidence.

Incl
as

____

____
Secretary
West Point Honor Code Screening Committee

(File Symbol)

SUBJECT: Allegation of Honor Violation

Deputy Commandant of Cadets
United States Corps of Cadets
United States Military Academy
West Point, New York 10996

1. On ________________ 197__, a report of a possible honor violation by Cadet ________________, Class of ______, Company ______, USCC, was referred to the West Point Honor Code Screening Committee by ____________________________.

2. The Committee, after having considered the matter, submits the following allegation of an honor violation for appropriate disposition:

> "In that Cadet __________, Company __________, United States Corps of Cadets, Class of ______, did violate the West Point Honor Code on or about ____________ 19___, at ____________________________, by____________________
> ____
> ____

3. Copies of all evidence considered by the Committee is inclosed.

____
Secretary
West Point Honor Code Screening Committee

(File Symbol)

SUBJECT: Report of Possible Honor Violation

TO:

1. On ________________________, your report of a possible honor violation by Cadet ______________________, was referred to the West Point Honor Code Screening Committee.

2. After consideration of the matter, the Committee (transmitted an allegation of an honor violation to the Deputy Commandant of Cadets for appropriate disposition) (did not find by majority vote that an allegation of an honor violation was warranted).

____
Secretary
West Point Honor Code Screening Committee

(File Symbol)

SUBJECT: Allegation of Honor Violation

Cadet ____________________, Class of____
Company ____, United States Corps of Cadets
West Point, New York 10997

1. It has been reported by the West Point Honor Code Screening Committee that you allegedly violated the West Point Honor Code. A copy of the Committee report with inclosures is attached.

2. You may request that the allegation be investigated by a Board of Officers appointed by the Superintendent, pursuant to paragraph 16.03, Regulations, USMA, or you may tender a resignation from the Military Academy in lieu thereof.

3. Prior to arriving at your decision, it is suggested that you seek the advice of your parents, or others, including military legal counsel. If counsel is desired, and has not previously been furnished, you should report to the Office of the Staff Judge Advocate, Room 230, Thayer Hall.

4. You will indicate your decision by indorsement hereon within three days from the date of this letter, or submit a request for extension of time with justification therefor.

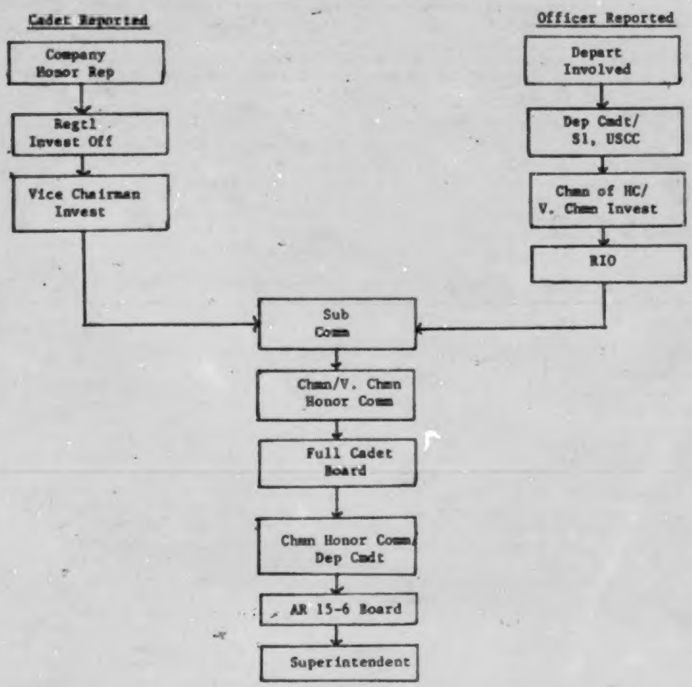
1 Incl
as

____

____
Deputy Commandant

APPENDIX 3 (RECOMMENDED SYSTEM) to Annex F (Structural Modification)

DIAGRAM OF RECOMMENDED SYSTEM


Cadet Reported
Company Honor Rep
Regtl Invest Off
Vice Chairman Invest
Officer Reported
Depart Involved
Dep Cmdt/ S1, USCC
Chmn of HC/ V. Chmn Invest
RIO
Sub Comm
Chmn/V. Chmn Honor Comm
Full Cadet Board
Chmn Honor Comm/ Dep Cmdt
AR 15-6 Board
Superintendent

1. **Investigation:**

a. All possible honor violations should be reported to the Company Honor Representatives after the accusing party has confronted the accused. When the Company Honor Representative becomes aware of a possible honor violation he will immediately contact the Regimental Investigating Officer. If both parties agree it is clearly a case of misunderstanding, the matter may be dropped. Otherwise, the Regimental Investigating Officer will contact the VC-IN. In cases where the Company Honor Representative and the Regimental Investigating Officer disagree, the VC-IN will determine whether a case is forwarded or dropped.

b. If the case is forwarded, the RIO will conduct a thorough investigation, and collect signed statements from all individuals involved. After his investigation, the RIO in conjunction with the VC-IN may drop the case, or may send the case to a Sub-Committee. If the case is dropped, all those involved will be notified of the decision along with any other pertinent information (preferably in writing). If the case is sent to a Sub-Committee, it will be handled in the following manner:

2. Sub-Committee: The purpose of the Sub-Committee is to determine whether or not there is sufficient cause to warrant the presentation of the case before a full board.

a. A Sub-Committee will consist of three Honor Representatives; a Chairman (1°), a Member (1° or 2°), and a Recorder (1° or 2°). Only these three Honor Representatives have the authority to send a case forward. At least one of the three cadets must feel there is a conflict with the Honor Code for a case to be sent forward. Also present at the Sub-Committee is the cadet advisor (usually the Honor Representative from the individual's regular lettered company), and the Regimental Investigating Officer, who has the responsibility for presenting the case to the Sub-Committee. It will be the duty of the Regimental Investigating Officer to select the time and place of the Sub-Committee meeting, to advise the accused in writing of the general nature of the investigation, and to arrange for the appearance of all witnesses. It will be the duty of the recorder to take complete notes of the hearing, compile all statements of the accused and witnesses, write a report containing a synopsis of all testimony describing conflicting points, and forward this with the recommendation of the Sub-Committee to the Chairman. Any witness may be recalled as many times as necessary to insure that all points have been adequately covered. The accused will not be present for testimony by other witnesses but will wait outside the room in a place designated by the RIO. The Sub-Committee is closed to all cadets other than Honor Representatives. The Sub-Committee performs two functions:

(1) It is an educational device to insure 2° cadets are brought into the system as much as possible prior to being placed on Full Boards. In other words, it allows for maximum cadet participation.

(2) It serves as a screening device for the Full Boards.

b. The finding of a Sub-Committee is only a recommendation to the Chairman and VC-IN. If the recommendation is to drop the case the Chairman and the VC-IN have two options:

(a) Accept the recommendation.

(b) Return the case to the RIO with instructions to form a new Sub-Committee. NOTE: A case may not be returned to a new Sub-Committee more than once.

If the recommendation is to forward the case to a Full Board the Chairman and/or VC-IN will not drop the case unless there is new evidence or extenuating circumstances. The case may then follow two routes:

(c) Be forwarded to a Full Board.

(d) Be returned to a new Sub-Committee.

If the case is forwarded to a full board the Sub-Committee will frame an allegation which will also be attached to their report. The Chairman will send a letter to the individual in question stating the allegation, date and time of the Honor Board and any other pertinent information.

c. The Chairman of the Honor Committee or VC-IN will then instruct the Secretary to form a board of nine Honor Representatives and a Chairman to hear the case. Prior to the the time the full board convenes the RIO will brief the Chairman of the full board thoroughly on the case so he may properly perform his job as the moderator. The Chairman of the full board does not vote on any case but acts as moderator, leads questioning, and recognizes other members of the board during questioning. He will insure prior to a board through oral questioning, that each member meets the following criteria:

(1) He has no previous knowledge of the case or special connections with the accused which would prejudice his decision.

(2) He could vote to forward the case to the AR 15-6 Board if sufficient evidence of the offense exists.

3. Honor Committee Full Board:

a. The Chairman will then call the board to order and explain to the gallery the purpose of the Full Honor Board, the procedures to be followed, and any special points pertaining to decorum.

b. The purpose of a hearing before the Cadet Honor Committee is to make a determination as to whether there is sufficient evidence in support of the allegation for the Honor Committee to forward the case for further action. This determination will be made by an application of the facts of the case to the concepts and standards of the Cadet Honor Code and System.

c. The accused may decide whom he desires to attend his full committee hearing. He may discriminate by class, regiment, company, or individuals. Persons other than those permitted by the accused, except for Honor Representatives, will not be allowed to attend the hearing.

d. After the Board has been called to order, the Chairman will call upon the RIO to present the facts of the case, as established at the Sub-Committee hearing, to the Full Board. When all general questions have been answered, the testimony will begin.

e. The accused will be the first to testify before the Committee. The accused will not be present for the testimony of other witnesses, so as to insure all testimony is full and uninhibited. Prior to the closing of the board for deliberation, the cadet is entitled to a verbal synopsis by the Chairman of the testimony of other witnesses and an opportunity to rebut that testimony. He will present his side of the case and will answer questions directed to him by the board. All questions from any cadet other than the members of the board will be written down on paper which will be provided and handed to the Chairman of the Board via the RIO. The Chairman will answer the question directly if it has already been answered, or will recall the witness to ask the question. After the accused has testified, other pertinent witnesses will be called. All witnesses will be called one at a time to testify before the Committee. The Chairman will instruct the witness in the purpose of the hearing and ask him to tell what he knows of the case. After the witness has testified, he will be questioned by the Full Board only. When there are no further questions, the witness will be excused. This procedure will be repeated with each witness. Prior to the closed deliberation, the cadet in question will be recalled and asked if he has anything he wishes to say to the Committee.

f. After all witnesses including the accused have testified, the Board will go into closed deliberation. All relevant points and possible conflicts in testimony will be brought out in this discussion. If at any time the Board or the Chairman wishes to reach a witness or the accused, the Board will again be opened and the witness will be questioned. After a witness is requestioned, the accused will again be called to have the opportunity to rebut testimony, clarify points, and again make a final statement to the Board.

g. After discussion of the case is completed to the satisfaction of the members of the board, the Chairman will ask if anyone is opposed to a vote. If anyone is opposed to voting at that time, discussion will continue until all members of the Board are prepared to vote. The Chairman will then summarize the case, including all relevant points and possible conflicts and the curtain will then be opened for the vote. The Secretary will then read aloud the charge against the accused as prepared at the Sub-Committee and the members of the Board will vote by secret ballot.

h. The Full Board will vote on the following criterion:

"The Cadet Honor Committee feels there is sufficient evidence in support of the allegation to forward the case for further action."

i. It will take seven of the nine honor representatives to support the allegation for it to be forwarded for further action.

j. If the Full Board did not feel there was sufficient evidence to forward the case, it will be dismissed without further action.

OFFICER REPORTED CASES:

1. Investigation:

a. When an officer encounters a possible honor violation he should take action as necessary to obtain evidence so as to facilitate the functioning of that Honor Committee.

b. The case is then directed through various channels, depending on the Department, to the Head of the Department who will forward the case to the Deputy Commandant, USCC.

c. The Chairman will then be notified to report to the S1, USCC, who will turn the case over to the Honor Committee.

d. The Chairman will then turn the case over to the VC-IN who turns it over to the RIO. From this point forward all procedures are the same as in cadet reported cases.

FINAL DISPOSITION OF CASES:

1. When the Honor Committee feels there is sufficient evidence to support an allegation, the following procedures will be followed:

a. The cadet will be escorted to the transient billets.

b. A report of the proceedings of the Full Board will be prepared by the Chairman and submitted to the Deputy Commandant by 1000 hours on the following day.

e. At this time the cadet will be given two options:

(1) Resignation: In the event a cadet elects to resign he will begin immediate out-processing.

(2) Army Regulation 15-6 Board: In the event a cadet elects to have a 15-6 Board, the S1, USCC will arrange for legal counsel, if desired, and will prepare correspondence to the Superintendent requesting that he appoint a board to investigate the case.

(3) The 15-6 Board will consist of a combination of officers and cadets. The majority will be cadets (i.e:, 4 cadets, 3 officers, 3 cadets, 2 officers, etc).

(4) This board will make a finding and transmit its findings to the Superintendent.

(5) The dotted line on the flow diagram running from a time prior to the 15-6 Board to the Chairman represents the action which could be initiated if new evidence were obtained by the Law Department. It would be possible for the same Full Board to be reconvened to hear the new evidence since the Committee would be voting on sufficiency of evidence and not innocence or guilt. No publication will take place prior to disposition. After the final disposition by the Superintendent based upon the finding of the AR 15-6 Board, the Deputy Commandant will inform the cadet in writing of the results of the final action. The VC-ED will in turn notify the Corps of Cadets. NOTE: The Honor Committee will publish a synopsis of every case which reaches a Full Board. Those cases in which the cadet was found not guilty will have the names deleted. These cases will be for instructional purposes only.

APPENDIX 4 (SUPPORTING ANALYSES) to Annex F (Structural Modification)

1. Legal Aspects.

a. Purpose: To analyze the two proposed systems on the basis of their:

(1) Defensibility to external challenges on legal sufficiency and consistency.

(2) Affording protection of rights of the respondent to be informed of allegations and given an opportunity to introduce matters prior to any decision by a body with punishment authority.

b. Discussion:

Challenges to either system could take the form of:

(1) Lack of opportunity to rebut accusations.

(2) Lack of warning against self-incrimination.

(3) Lack of formal notification of allegation until just before or during Honor Board proceeding.

(4) Detrimental change in life style, to include separated but equal facilities prior to a decision by a federally empowered hearing.

(5) Lack of consistency in hearing policies at cadet committee level in part a result of nothing published rules.

(6) Lack of rules of evidence.

c. Precedent:

Prior to the Andrews and White V. Knowlton Court Decision, 16 January 1975 the courts had not conclusively stated that the Cadet Honor System was an official system of the US Government. While the decision in question upheld the honor dismissals, it also declared the Honor Committee actions as official in nature. This brings the burden of responsibility for legal consistency and protection of individual rights squarely on the shoulders of the Superintendent.

The detail of the decision also stated that the "Due Process Clause" did not require utilization of any particular procedure by the Cadet Honor Committee.

Finally, the court noted that the current system was "wholly lacking in procedural safeguards" (6034).

d. Oldham Proposal:

(1) Protection of Rights:

(a) Affords written notification of allegation (at inclosure) prior to screening committee decision.

(b) Affords opportunity to submit matters in defense prior to decision.

(c) Includes opportunity for legal advice upon notification of screening hearing.

(d) Provides 72 hours to submit matters in own behalf.

(2) Defensibility

(a) Legal procedures of screening committee. Standard of evidence ≤ standard of evidence for AR 15-6.

(b) Majority decision of sufficiency at "screening" level followed by majority decision at AR 15-6 level maintains a progression of gravity.

(c) Establishes official written rules for screening committee process.

(d) Eliminates boarders' ward.

(e) More objective accurate record of evidential matters as a result of considering only written matters at the screening committee level. Complete passage of all original evidence.

(f) Insures adequate advance notice of formal hearing in order to prepare defense.

e. Andersen Proposal:

(1) Individual Rights.

(a) Does not afford legal advice on allegation at Cadet Committee level.

(b) Accused is not permitted to review all evidence against him prior to testimony.

(2) Defensibility.

(a) Does establish a grand jury proceeding.

(b) Establishes official written rules.

(c) Does not provide for progression of gravity as the grand jury decision is a 2/3 vote while the AR 15-6 remains a majority decision.

2. Participative Aspects.

a. Introduction.

Team C was required to evaluate the present and proposed procedures in terms of three criteria:

— The degree to which each system is or is likely to be perceived as legitimate by the Corps of Cadets.

— The degree to which each system fosters or is likely to foster a sense of participation by the Corps of Cadets.

— The degree to which each system contributes or is likely to contribute to educating The Corps in the principles of the Honor Code and the operation of the Honor System, and in military justice procedures.

Our approach was generally similar to that used by the full subcommittee; that is, we attempted to define each criterion, to determine what aspects of a procedure affect its performance in terms of the criteria, and finally, to compare the present and proposed procedures in terms of these aspects.

In the course of our analysis, we decided to drop the "participation" criterion as a separate evaluator. Participation turns out to be an important aspect of both legitimacy and education. We felt no purpose was served in comparing the systems in terms of participation a third time — nor can we think of any particular benefit of participation exclusive of the benefits to legitimacy and education.

b. Legitimacy.

We all seem to agree that the legitimacy of a system to the Corps is a critical component of its desirability. In a general sense, legitimacy simply means the willingness of cadets to support the system. But we felt the concept should be defined rather more precisely if it is to be used as a system discriminator. Accordingly, we have arrived at six indicators which we feel tap the essential quality of system legitimacy.

— Willingness of cadets to report violations of the Honor Code.

This is the ultimate test of legitimacy. A system which encourages cadets to ignore violations will have no other problems; it will simply be irrelevant. The more cadets are induced to view a violation of the Code as a direct assault on their own values and interests, the more legitimate the system.

— Willingness to self-report for violation of the Honor Code.

This is a harder test than the preceding one, because self-reporting requires a cadet to support the system against his own material interest. Ideally, a cadet who violates the Code in a moment of weakness should be induced by his commitment to the system to report himself after reflection. The more he is encouraged to do so, the more legitimate the system.

— Readiness to defend the Honor Code and System to outsiders.

If cadets view the Code and System as positive aspects of the West Point experience, and feel a proprietary regard for them, they will tend to defend them when confronted with questions or criticisms from outsiders. Their willingness to do so is a measure of the legitimacy of the System.

— Readiness to defend the Honor Code and System within the Corps.

Again, this is a more difficult test than its predecessor. While it is human to defend characteristics of one's group against outside challenge (even when one harbors private doubts), it is also human for members of a group to gripe among themselves about displeasing aspects of group life. When, therefore, most cadets are willing to defend the system to each other, it suggests a high degree of identification with the system -- that is, high legitimacy.

— Desire to inculcate support of the Honor Code and System in juniors, both in class and in rank.

One who identifies closely with the system will seek not only to uphold it but to perpetuate it. The greater and more widespread a sense of responsibility for the future survival of the system, the greater the latter's legitimacy.

— Seriousness of participation in Honor System proceedings.

The smooth operation of the Honor System depends on the willingness of cadets to take seriously such proceedings as election of Honor Representatives, interviews with investigating officers, and participation in Honor hearings. A system is legitimate to the extent it fosters such a serious approach to honor matters.

Having defined legitimacy in terms of the foregoing indicators, we next attempted to determine what characteristics of a system would tend to produce it. Before listing these, two caveats should be noted. First, to speak of a perception of legitimacy is to imply that all cadets think alike. Clearly they do not, as responses to the recent survey of cadet attitudes indicate. On the contrary, cadets differ widely in their attitudes toward various aspects of the Honor Code and System. In our analysis, we have attempted to think in terms of the average cadet — recognizing there is no such person.

Second, it is worth recalling that the procedure for dealing with violations, although this subcommittee's sole concern, is only one of the aspects of a system which influence legitimacy, and may or may not be the most important one.

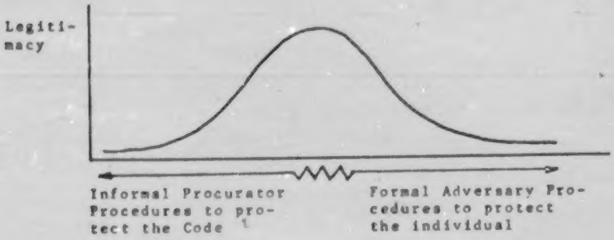
Having these cautions in mind, then, we have identified six system characteristics which we feel exert important impact on legitimacy as defined on the previous page:

(1) The ability of system procedures to uphold the spirit as well as the letter of the Honor Code. All else equal, the more the procedures seem able to surface intentional dishonesty in the face of technical adherence to the system, the more legitimate they will be perceived to be.

(2) The correspondence of system procedures to general notions of fairness. All else equal, the more the procedures seem to avoid arbitrariness or systematic injustice, the more legitimate they will appear to be.

It is easily recognizable that there is a fundamental tension between these two requirements, exactly comparable to that which underlies legal due process. The desire to insist upon high standards of integrity beyond any doubt wars with the desire to protect the innocent from unjust punishment. The tension is reflected in current system procedures, in which the commitment to protection of the Code is manifested in (among other things) relatively loose rules of evidence; while the desire to protect the individual is manifested in the requirement for a unanimous finding to convict.

The relationship between legitimacy and the first two characteristics is thus not linear, but rather is reflected in the following diagram:


Legitimacy
Informal Procurator Procedures to protect the Code
Formal Adversary Procedures to protect the individual

In practice, we require somewhat more specificity to evaluate the present and proposed systems. The following chart illustrates our estimate of the impact of specific procedures on cadet perceptions of legitimacy:

Procurator Procedures	less legitimate —— less legitimate	Adversary Procedures
No uniform rules of procedure	uniform procedures with minimum formality	Formal Court-Martial Rules
No requirement to specify violation	uniform but loose specification of violation	Highly technical definition of violation
No limitations on evidence	any evidence material to the offense not obtained by coercion	complete legal evidentiary protections
No assistance to accused	Non-partisan procedural advice	Partisan legal counsel

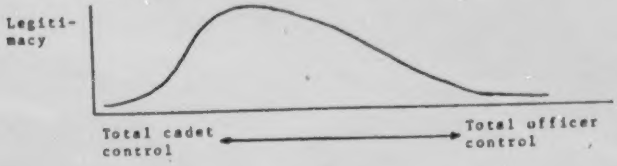
It is important to note that the impact on legitimacy of moving toward one extreme or the other is not independent of other system characteristics, e.g. vote needed to convict, sanctions imposed, discretion, etc. In general, we believe the more the procedures move toward a strict adversary system, the broader must be the discretion to convict if legitimacy is to be maintained. Conversely, the more procedures move toward a loose procurator system, the greater will be the pressure for more discretion in applying sanctions.

(3) The clarity of system procedures. All else equal, the better able cadets are to understand what happens in the process from allegation to disposition, the more legitimate the system will be perceived to be.

(4) The non-discriminatoriness of system procedures. All else equal, that system will be perceived as most legitimate which appears least prone to discriminate among accused cadets in any systematic way -- by class, cadet rank, LES, GOM, color, creed, etc.

(5) The openness of the system to participation by the Corps at large. All things equal, that system will tend to be perceived as most legitimate which encourages the widest voluntary cadet participation in the greatest number of stages of the process from allegation to disposition.

(6) Degree of Cadet control of system procedures. In practice, this varies with the extent of officer participation in the process. As in the earlier case of procedural style, we don't think there is a linear relationship between cadet control and legitimacy. Cadets desire to run the system to a considerable extent, but they are also hesitant to entrust themselves entirely to their fellow-cadets. The relationship seems to us to look something like this:



Here again, comparison requires greater precision. The following table illustrates our estimate of the impact of increasing officer participation on legitimacy:

No officer input		Total cadet control
Officer advice not controlling on disposition		less legitimate
Officer review of procedural conformity with power to remand case for rehearing		
Officer evaluation of evidence with power to dismiss case		
		less legitimate
Officer participation in evidentiary discovery with power to exclude evidence		
Officer direction of cadet investigation	irrelevancy of cadet process	Total officer control

Having settled on these elements as the principal system characteristics impinging on legitimacy, we then evaluated each system--present and proposed--in terms of each aspect. Our judgments are indicated in Chart A. In most cases it was possible to rank the systems from best (1) to worst (3). In one case, two systems were judged equally acceptable, but not most desirable, and both were therefore ranked (2). And in two cases, none of the systems was judged to perform well, and two were judged to perform poorly. They were therefore ranked (2), (3), and (3).

c. Education.

The second criterion against which we were required to evaluate the various systems is contribution to education, first in the principles of the Honor Code and operation of the Honor System, and second, in military justice procedures. In developing performance indicators by which to judge each system, we found it convenient to distinguish three categories of indicators: Those which apply to both educational missions, those which apply only to honor education, and those which apply only to education in military justice procedures. The most important indicators of educational contribution seem to us to be as follows:

(1) With respect to both honor education and education in military justice procedures, that system contributes most which:

(a) Maximizes cadet participation and/or observation.

(b) Publishes most complete documentation of findings, supporting evidence, and reasoning.

(c) Most facilitates the job of the Vice-Chairman for Education.

(2) With respect to honor education only, that system contributes most which:

Best aids in developing an understanding of what behavior constitutes a violation of the Honor Code.

(3) With respect to education in military justice procedures only, that system contributes most which:

(a) Most closely corresponds to Army court-martial procedures.

(b) Best reflects and reinforces course material presented by the USMA Department of Law.

Having agreed on these critical system characteristics, we then compared each system--present and proposed--in terms of each characteristic. Our conclusions are indicated in Chart B.

d. Conclusion.

In general, we find the Andersen proposal, with some qualifications, to perform best in terms of potential legitimacy to the Corps of Cadets. In terms of education, the picture is more mixed. On balance, the present system appears to offer wider scope for honor education, while the Oldham proposal offers marginal potential advantages in terms of education in military justice procedures.

CHART A :

Implications of Alternative Procedures for LEGITIMACY

	1	7		3	4	5	6
	[illegible]	PROCEDURAL FAIRNESS	1 and 2	PROCEDURAL CLARITY	NON-DISCRIMINATION	OPEN PROCEDURES	CADET AUTONOMY
[illegible]	[illegible]	Valid finding produces adverse effects on accused prior to final case disposition No formal notification mechanism No formal confrontation before full board	No requirement to formally state charge until full board vote ADV: procedural informality	Existence of two separate procedures obscures process	Potential bias by class (since boards not normally composed of cadets of classes below accused)		Total cadet control of Honor Committee procedures, but total officer control of case disposition
[illegible]	[illegible] [illegible] discretion to dismiss early	No formal notification (See q. 2) No formal confrontation before full board	No requirement to specify allegation until subcommittee has met ADV: procedural informality	Change in criteria from full board to AR 15-6 board may confuse. Extra steps mean complication (eg subcommittee and full board use essentially the same criteria and evidence).		Maximizes cadet participation by inclusion of cadets from the Corps at large on AR-15-6 Board.	Partial cadet control of outcome in return for formal limitations on Honor Board result (sufficiency not validity)
[illegible]	[illegible] moral culpability Uncertain discretion to dismiss case early (See q 1)	No formal confrontation until AR 15-6 board Open to observers only at AR 15-6 board Uncertain discretion to dismiss early (See q 1)	highly rigid and formal procedures Early injection of prohibitions on evidence, legal counsel, etc Screening committee bound to need to meet AR 15-6 tests (See q 3)	ADV: few steps and uniform rules of evidence simplify understanding	Potential bias by military rank (LCs) since officers heavily represented in initial processing and totally direct AR15-6 board	Minimizes Cadet participation by replacing all Honor Committee investigatory functions with officer/cadet screening committee	legal (officer) direction of investigation from the outset
	3, 2, 3	3, 1, 2	1, 1, 2	3, 2, 1	3, 1, 2	2, 1, 3	3, 2, 3

CHART 3 : RELATIVE Contributions of Alternative Procedures to Education

	HONOR / MILITARY JUSTICE			HONOR ONLY	MILITARY JUSTICE ONLY	
	MAXIMUM PARTICIPATION	MAXIMUM PUBLICATION	TEACHING ASSISTANCE	DEFINITION OF VIOLATION	CORRESPONDENCE TO C-M	REINFORCEMENT OF LAW
PRESENT SYSTEM	Observation and participation at cadet hearings Observation only at AR 15-6 board	all findings published regardless of disposition (names deleted if not valid)	Most case information available for educational use	Most case information available for evaluation of constituents of an offense Freest discussion prior to finding	limited participation and little relation to evidentiary limitations, adversary procedures	little reinforcement of procedural material, rules of evidence, etc
ANDERSON PROPOSAL	Observation and participation at all stages	publication (what and when) unclear (see q. 5)		definitive information limited by "sufficiency" criterion	More like Special C-M (no legal counsel till AR 15-6)	Some reinforcement (sufficiency determination, participation of cadets on AR 15-6 jury)
OLDHAM PROPOSAL	Observation only at AR 15-6 board (see q 4)	Limited publication of findings only after AR 15-6 Board (see q. 5)	Procedures easy to explain	greatest vulnerability to disagreement on interpretation because of requirement for narrow specification of elements of proof	More like general C-M (early injection of legal counsel, formal procedures, etc) (See q. 4)	Maximum reinforcement but of fewest number of cadets (proceedings secret until AR 15-6 board)
	2, 1, 3	1, 2, 3	2, 3, 1	1, 2, 3	3, 2, 2	3, 2, 2

3. Administrative Aspects.

a. General Comments:

The committee felt that the following three characteristics were related sufficiently enough to be considered simultaneously.

(3) Mechanisms for screening of cases

(1) Rapid disposition of cases

(2) Minimization of administrative burdens

That is to say, it is intuitively obvious, although not necessarily so, that a minimization of administrative action results in a more rapid case disposition or a more effective screening process results in a more rapid case disposition with an associated reduction in administrative overhead.

b. Rapid Disposition of Cases:

(1) Clarification of Characteristic.

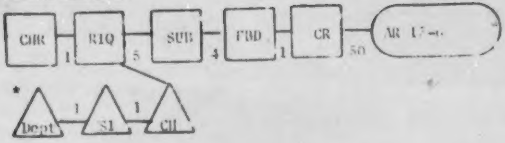
It is not the committee's intent to imply that a system is best which disposes of a case most rapidly. The extreme of no deliberation whatsoever reveals this absurdity. All systems examined must accomplish certain minimum objectives. The committee is saying that a system which accomplishes the minimum objectives and disposes of the cases most rapidly is a more desirable system based solely on this particular characteristic.

(2) Basis for Discussion.

The following time estimates are presented concerning the three systems considered from the initiation of the case to its final disposition. Note that these are average values and longer or shorter times may result for a particular case.

Present System

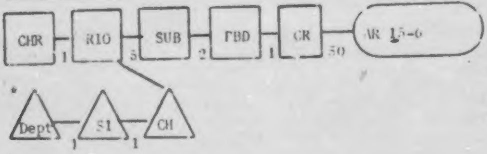
Cadet Reported


CHR
1
RIQ
5
SUB
4
FBD
1
CR
50
AR 15-6
*
Dept
1
S1
1
CH

Officer Reported

Anderson Et Al

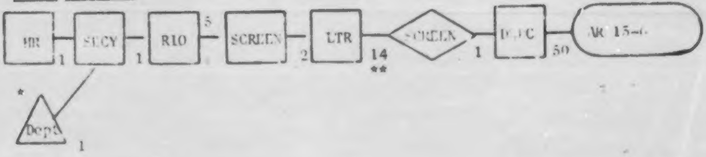
Cadet Reported


CHR
1
RIO
5
SUB
2
FBD
1
CR
50
AR 15-6
*
Dept
1
S1
1
CH

Officer Reported

Oldham

Cadet Reported


HR
1
SECY
1
RIO
5
SCREEN
2
LTR
14
**
SCREEN
1
DHC
50
AR 15-6
*
Dept
1

Officer Reported

* Documenting a plagerism case can take up to 10 days.

** Arbitrary in the sense it depends on the individual's ability to obtain counsel and counsel's ability to familiarize himself with the case.

(3) Discussion.

The time involved in case disposition under the Andersen et al proposal and the present system will remain approximately the same. The intent of the Andersen proposal is to reduce the time between subcommittee and full board hearings. Since the major portion of this time is spent in organizing a board, the smaller board of the Andersen proposal gives it a slight advantage over the present system.

Under the Oldham system, the disposition time will be increased significantly. The major increase will occur between the formal notification of an individual of an alledged offense and his response. During this time, he has the opportunity to obtain counsel. It is expected that any reasonable request for time will be granted to allow counsel to familiarize himself with the case.

(4) Conclusion.

Considering only this characteristic as clarified, the proposals are rated in order of desirability as follows:

(a) Andersen

(b) Present System

(c) Oldham

c. Minimization of Administrative Burdens

(1) Clarification of Characteristic

Again, in this characteristic, the committee is saying that all things being equal (i.e. certain common minimum objectives are met) for all proposals, the system which operates with the least administrative burden is the most desirable.

(2) Basis for Discussion

Administrative Requirements

(a) Present System and Andersen Proposal

- Investigation of case and acquisition of documentary evidence (handwritten acceptable) by the RIO.

- Subcommittee deliberation and writing of subcommittee report to full board (handwritten acceptable).

- Full board deliberations and secretary's report on proceedings and verdict. Civilian secretary types.

- AR 15-6 deliberation and associated administration.

(b) Oldham Proposal

- Investigation of case by RIO/officer team and gathering of documentary evidence.
- Deliberation of screening committee. (Simultaneous case handling)
- Written notification to alledged offender.
- Deliberation of respondent's documentary evidence and response by screening committee.
- Cover letter with documentary evidence to Deputy Commandant.
- AR 15-6 deliberation and associated administration.

Personnel Requirements

Present	Andersen	
CH	CH	
2 Cadet (RIO) 5 days	2 Cadet (RIO) 5 days	1 Cadet)(INV.TEAM) 5 days
3 Cadets(SUB) 1 hr	3 Cadets(SUB) 1 hr	1 Officer)
12 Cadets(FBD) 4 hrs	9 Cadets(FBD) 4 hrs	4 Officers(SCREEN) 6 hrs
5 Officers (AR 15-6)	3 Cadets(AR 15-6)	3 Cadets
6 hrs	6 hrs	5 Officers(AR 15-6) 6 hrs
	2 Officers	1 Typist

(3) Discussion

The written requirements for the present system and the Andersen proposal are the same and require only handwritten documents. The Oldham proposal will require a significant increase in administrative support in preparing documents which will accompany case to its final disposition. The notification of the accused and transmittal letters as the case moves forward are not required in the other systems.

Personnel requirements are officer-oriented in the Oldham proposal on one extreme and cadet-oriented in the Andersen proposal on the other. Also note the committee has noted a need for typing support for the Oldham proposal.

(4) Conclusions

The following evaluations are made:

Demand on Cadet Time:

(a) Oldham (least)

(b) Present

(c) Andersen

Demand on Officer Time:

(a) Andersen (least)

(b) Present

(c) Oldham

Administrative Workload (Paper)

(a-b) Andersen (least)

(a-b) Present

(c) Oldham

Overall Rating within Clarified Characteristic:

(a-b) Andersen

(a-b) Present

(c) Oldham (increases case preparation - decreases case consideration time)

d. Mechanisms for Screening Cases

(1) Clarification of Characteristic

That system which eliminates cases for lack of conflict or lack of evidence earliest, all other things equal, is the most desirable.

(2) Basis for Discussion

Statistics on the present system

Yearly case load:	200
Cases reaching subcommittee:	125
Cases reaching full board:	50
Cases reaching AR 15-6 board:	15

(3) Discussion

The statistics for the present system show a screening process is already in effect. Because of the different criteria used on the full board under the Andersen proposal (sufficiency versus valid or invalid) and the majority vote as opposed to the unanimous vote of the present system, an increase in cases reaching the level of an option for an AR 15-6 Board is expected. There are no other significant differences between the Andersen proposal and present system.

The case load of the Oldham proposal will depend a great deal on the criteria set up by the screening committee which is still unclear at this point. If the screening committee takes a permissive stature, the case load at the AR 15-6 Board will increase. If the screening committee is restrictive, the case load at the AR 15-6 Board will decrease. In either case, it is envisioned that the cases will be better prepared when they reach the AR 15-6 Board which will result in less overturned cases, thereby reducing requests for AR 15-6 Boards.

(4) Conclusion

(Given a restrictive stance by the screening committee)

Best - Oldham's

2d Best - Anderson's

3rd - Present.

ANNEX G (BIBLIOGRAPHY) to Superintentent's Special Study Group on Honor at West Point

1. The bibliography contains numerous works that relate in various ways to considerations of the Cadet Honor Code and System. The list includes those primary and fundamental sources that have traditionally commented on the Cadet Honor Code and System as well as the more ephemeral documents that present contemporary views. This list is by no means definitive, but it does contain a basic listing that can be expanded by future studies or periodic reviews.

2. PRIMARY SOURCES. This listing includes recurring documents produced or sanctioned by USMA or the Army which delineate aspects of the Code and System.

Department of Tactics, USMA. Classification of Delinquencies. West Point: USMA Press, 1922.

Honor Committee, 1949. "Honor Committee Procedures." Unpublished instructions, USMA, 22 October 1948.

Honor Committee Chairmen, USMA. Honor Book. Unpublished essays, USMA, 1922-1974.

Honor Committee, USMA. "The Honor System of the Corps of Cadets." Unpublished policy statement, USMA, December 1951.

United States Military Academy. Bugle Notes, 1908-1974.

______________________. The Cadet Honor Code and System. West Point: USMA Press, Undated.

______________________. Honor Guide for Officers. West Point: USMA Press, 1958.

______________________. Honor Instruction Pamphlet, New Cadet Barracks, 1974. West Point: USMA Press, 1974.

______________________. The Howitzer, 1923-1974.

______________________. Regulations, USCC, 1900-1974.

______________________. Report of the Board of Visitors. West Point: USMA Press, 1974.

______________________. Superintendent's Annual Report, 1850-1974.

______________________. Taking Command. West Point: USMA Press, 1967.

US Department of Defense. The Armed Forces Officer. Washington, D.C.: US Government Printing Office, 1955.

US Department of the Army. Military Leadership. Field Manual 22-100. Washington, D.C.: US Government Printing Office, 1973.

3. MAJOR SECONDARY SOURCES. This listing includes extended commentaries on the functioning and efficacy of the Code and System from both civilian and military sources.

Ambrose, Stephen E. Duty, Honor, Country: A History of West Point. Baltimore: John Hopkins Press, 1966.

Blaik, Earl H. (Red). The Red Blaik Story. 2d ed. New Rochelle, NY: Arlington House, 1974.

Blaik, Earl H. (Red). You Have to Pay the Price. New York: Holt, Rinehart and Winston, 1960.

Cavaioli, Frank J. West Point and the Presidency. New York: St. John's University Press, 1962.

Crocker, Lawrence P. The Officer's Guide. 37th ed. Harrisburg Stackpole Books, 1959.

Department of Tactics, USMA. "Tactical Department Files-Honor Code and System." Unpublished records, USMA, 1924-1974.

Ellis, Joseph J. and Robert Moore. School for Soldiers: West Point and the Profession of Arms. New York: Oxford University Press, 1974.

Fleming, Thomas J. West Point, the Men and Times of the United States Military Academy. New York: Morrow, 1969.

Galloway, K. Bruce & Robert B. Johnson, Jr. West Point: America's Power Fraternity. New York: Simon and Shuster, 1973.

Heise, Juergen Arthur. The Brass Factories. Washington, D.C.: Public Affairs Press, 1969.

Lough, Frederick C., et al. Report of the Honor Review Committee. Unpublished, USMA, 1958-1975.

Malone, Paul B. A West Point Lieutenant. Philadelphia: The Penn Publishing Company, 1911.

Moskos, Charles C. Public Opinion and the Military Establishment. Beverley Hills: Sage Publications, 1971.

Nye, Roger. An Insubordinate Response. Unpublished PhD Dissertation, Columbia University, 1969.

Office of Institutional Research, USMA. "Results of First Class Questionnaires: Classes of 1971, 1972, 1973, 1974." West Point: USMA Press, 1971-1974.

______________________________. "Summary of Responses, Reorganization Week Questionnaire: Classes of 1975, 1976, 1977." West Point: USMA Press, 1974.

______________________________. "The US Military Academy Honor Code: Trends in Cadet Opinions and Violations" (FOUO). Analyzed by Joel Morgovsky. West Point: USMA Press, April 1970.

Superintendent's Special Study Group on Honor at West Point. *Report*. USMA, 1975.

______________________________. *Working Papers*, USMA, 1975.

Taylor, Maxwell D. *West Point Honor System*. West Point: USMA Press, 1949.

______________. *West Point Honor System--Its Objectives and Procedures*, 1945-1947.

Tyler, James William. "A Study of the Personal Value Systems of US Army Officers and a Comparison with American Managers." Unpublished MA Thesis, University of Minnesota, 1969.

United States Military Academy. "Questionnaires: Honor Committee Chairman, 1920-1974; Commandants of Cadets, 1940-1974; Deputy Commandants of Cadets, 1940-1974; Randomly Selected Members of the Cadet Chain of Command, 1920-1959." Superintendent's Special Study Group on Honor at West Point, USMA, 1974-1975.

U'Ren, Richard C. *Ivory Fortress*. New York: The Bobbs-Merrill Company, Inc., 1974.

US Army War College. *Study on Military Professionalism.* Carlisle Barracks, Pennsylvania: USAWC Press, 1970.

Walpole, Mark and Robert Griffin and Harold Wilhite. *The History on the Honor Code and System, 1850-1968*. Unpublished essays, USMA, 1968.

4. *MINOR SECONDARY SOURCES*. This listing includes small essays, articles, and commentaries, as well as letters that specifically address aspects of the Code and System.

Anon. "How has Honor Changed since 1920?" Unpublished essay, USMA, Undated.

Eisenhower, Dwight, David. "Letter to MG Maxwell Taylor, Superintendent, USMA." Unpublished, USMA, 2 January 1946.

Flynn, John P. "Lecture delivered to Command and General Staff College," Fort Leavenworth, Kansas, 15 May 1974.

Hayes, Thomas J. "The Development and Explanation of the Current Concept of the Honor System as Regards Bedstuffing." Unpublished essay, USMA, 18 July 1965.

"The Honor Code: Does It Still Work?" The Stanford Observer, 6 November 1974.

Morton, W.J. "The Honor System at West Point." Unpublished essay, USMA, 5 November 1945.

Mumma, Morton C. "Letter to the Commandant, USMA." Unpublished letter, USMA, 10 February 1899.

Taylor, Maxwell D. "Letter to Superintendent, USMA." Unpublished letter, USMA, 1 November 1957.

HONOR CODES AT THE SERVICE ACADEMIES

MONDAY, AUGUST 9, 1976

U.S. SENATE,
SUBCOMMITTEE ON MANPOWER AND PERSONNEL
OF THE COMMITTEE ON ARMED SERVICES,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:10 a.m., in room 212, Russell Senate Office Building, Hon. Sam Nunn, chairman, presiding.

Present: Senators Nunn and Bartlett.

Also present: Francis J. Sullivan, Charles J. Conneely, John A. Goldsmith, George F. Travers, professional staff members; Mary A. Shields, clerical assistant; Ron Lehman, assistant to Senator Scott; and Fred Ruth, assistant to Senator Bartlett.

OPENING STATEMENT BY SENATOR SAM NUNN, CHAIRMAN

Senator NUNN. Professor Moore, it is a great pleasure to have you appear before us today. We look forward to your testimony, which undoubtedly will provide a perspective on the honor system at West Point different from that which this subcommittee has received so far in formal testimony.

Today marks the sixth day of subcommittee hearings on service academy honor systems. The hearings were prompted by revelations of a major cheating incident which took place last March at West Point on an electrical engineering examination. Since our last session on June 30, several developments have taken place which have a direct bearing on the subcommittee's continuing inquiry.

First, the number of cadets implicated in the cheating scandal has grown.

Second, serious doubts have been raised in public as to whether the Academy can, without compromising due process, fulfill its apparent intention to dispose of all of the cases related to the cheating incident before the start of the 1976–77 academic year. This concern over due process was highlighted just last week by the public testimony of three counsels, assigned to defend cadets, that they have been intimidated by higher authority within the Army because they were pursuing a line of defense contrary to the Academy's interest.

The suspicion that due process is being jeopardized is further underscored by what appears to be widening opposition within the Corps of Cadets to the Superintendent's decision of last May to replace the Cadet Honor Committee with an Internal Review Panel of officers, appointed by him as the principal vehicle for determining whether accusations against individuals related to this examination warrant further investigation. A growing number of cadets, including many who have not been implicated in the current scandal, believe that the Superintendent's action constituted an unnecessary and unjustified intervention in a system which traditionally has been viewed, and I am quoting from the official handbook on the honor system, as "cadet property, owned by the cadets, controlled by the cadets, and operated by the cadets". Indeed, the suggestion has been made that further adjudication of the cases now pending at the Academy should be held in abeyance until September, when the entire Cadet Corps could render judgment on this and other related issues, such as having available only a single, severe sanction for any and all honor violations.

Third, the issue of whether the cheating, which took place on the electrical engineering examination, was an isolated incident or was symptomatic of something which has become commonplace at West Point has now risen to the forefront of the controversy surrounding the incident and its consequences for the future of the honor system. Not surprisingly, counsel assigned to defend cadets accused of cheating on the examination have subscribed to the latter view.

To lawyers and to others, I suppose this line of argument is undeniably self-serving for the defense. However, when it begins to achieve currency among the prosecution, even the most impartial observer can no longer ignore it. Less than 1 month ago, two Army officers assigned to prosecute cadets accused of cheating testified publicly that they believed at least 300 to 400, and possibly as many as 600 cadets cheated or tolerated cheating on the electrical engineering examination, and that they as prosecutors, were being consciously denied the proper tools necesasry to conduct a complete investigation. Their assessment is supported by a member of a three-member team of electrical engineering instructors who were appointed by Superintendent Berry to review the test papers. This officer also concluded that approximately 400 cadets cheated or tolerated cheating in the examination. The Catholic chaplain for the Corps of Cadets, appearing last week before an informal meeting of defense counsel, cadets, and members of the House Armed Services Committee, stated that cheating of the kind that took place on the examination is much more prevalent at West Point than Academy officials are willing to concede. Even Secretary of the Army Martin Hoffmann, in earlier testimony before this subcommittee, conceded that "the inference might well be drawn" that the situation surrounding the examination could be taken as "evidence of a more widespread condition than simply this test."

The extent of cheating and of other violations at West Point, as well as their moral significance within the context of daily cadet life are the gut issues underlying the current scandal and the viability of the honor system. Professor Moore possesses singular qualifications to address these issues. He is the coauthor of the book "School for Soldiers: West Point and the Profession of Arms" which is widely regarded as one of the finest books ever written about the Military Academy. I might add, I have almost completed reading that book, but not quite. It is a very good one. The book and his subsequent numerous articles on West Point draw heavily upon his observations and experiences as a professor of English at the Academy from 1968 to 1970. Although now teaching at the University of Maryland, Professor

Moore continues to maintain close contact with the Military Academy, and is currently executive secretary of the William Faulkner concordance project in which the Academy is participating.

Professor Moore received a B.A. from Davidson College in 1962, an M.A. from the University of North Carolina in 1964, and a Ph. D. from the University of Wisconsin in 1972. He was commissioned as a second lieutenant in the Army in 1962, and he received a temporary waiver of his military obligation to attend the Universities of North Carolina and Wisconsin. He returned to active duty after completing course work for his Ph. D. in 1968, and graduated in the same year from the adjutant general officer basic course as class leader. He was assigned to the staff and faculty of the Military Academy in 1968, was promoted to captain during his tour at West Point and awarded the Army Commendation Medal upon completion of that tour in 1970. He served as Defense Mobilization Officer in the U.S. Army Reserve for the Military Academy's English Department from 1970 until his separation from the Academy in September 1972.

I apologize for the length of this statement, but a good many things have come to our attention since our last hearing. I felt the record ought to reflect that these are indeed serious concerns of the subcommittee and that we will continue to pursue them.

Professor Moore, we have tried diligently in this subcommittee not to engage ourselves in the detail of individual cases. We feel that, for better or worse, that has to be adjudicated in the Army and West Point honor system.

We have looked at the overall situation at West Point. We will continue to do that, and perhaps after the adjudication is complete, we will get into some of the details with individual cases, but as I said in my statement, I strongly feel that the honor system does belong to the cadets, and if it is taken over either by the U.S. Congress or the U.S. Army, the honor system will no longer be what it has been intended to be over a period of years.

We will be delighted to have your statement now, and I will have a good many questions when you get through.

STATEMENT OF DR. ROBERT H. MOORE, PROFESSOR OF ENGLISH, UNIVERSITY OF MARYLAND, AND FORMER PROFESSOR OF ENGLISH, WEST POINT MILITARY ACADEMY

Mr. Moore. Fine, thank you, Mr. Chairman.

I am pleased to be here at your request to discuss issues arising out of the March 1976 West Point cheating incidents involving an electrical engineering home study exercise. My remarks this morning reflect the preliminary findings of my ongoing study into these incidents and related matters. It is not my intention today to make definitive statements on the actions and reactions of the individuals or groups in this most serious and complex situation. I am here to participate in the public dialog to which this committee is making important contributions.

As you know, Mr. Chairman, my background as a former military school cadet, Army officer, West Point instructor, and student of military life predisposes me to approach the current controversy as one sympathetic to the special problems inherent in American military institutions. In my current research, I have attempted as Joseph Ellis and I did in "School for Soldiers," * to understand the context in which the current difficulties arose. To this end, I have been conducting in-depth interviews with many of the principals who are now alined on various sides of this matter, and I have studied many of the documents generated in recent months by those involved.

The purpose of my testimony today is twofold. First, to set forth what almost any knowledgeable observer of West Point would acknowledge as certain indisputable facts of Military Academy life and then I will sketch why these elements must be considered in any realistic assessment of the current scandal. Second, I will briefly outline some additional substantive issues which I believe are pertinent to these hearings.

"The mission," to quote the current superintendent, Lt. Gen. Sidney Berry, of the Military Academy is, "to develop top quality Army officers who can lead the land combat forces of this Nation in peace and in war, but especially in war." In pursuing this mission, West Point has developed a number of rigidly defined goals and they have formulated procedures to accomplish them. Four of these goals are especially germane to our discussion. These four are:

First, West Point seeks to develop an intense sense of camaraderie and cooperation within the corps of cadets, especially among members of the same year group and among members of the same cadet company. Consequently, cadets are required to cooperate in a wide range of daily activities which reinforce a pervasive sense of interdependency.

Second, the Military Academy attempts to teach cadets to operate under various forms of physical and mental pressures by arbitrarily creating situations of stress inside and outside of the academic classrooms.

I might add that one of the most common patterns of stress occurs when cadets are placed on their honor. The issue may be something as trivial as a cadet being asked when he last shined his shoes, or it might involve being forbidden from collaborating on an activity such as a specific academic homework assignment.

A third goal West Point seeks to develop is what General Berry has recently called "rock-like integrity" in its cadets. This goal is pursued through an absolute and unbending code which carries the moral injunction, a cadet will not lie, cheat or steal or tolerate those who do. And as Army Secretary Martin Hoffmann expressed it before this committee, "The mechanism by which [the code] is implemented and administered" is the honor system.

It should be noted that the rhetoric of senior Army officials is especially instructive. For instance, Secretary Hoffmann's casual description of the honor system as "the mechanism" is unintentionally revealing, particularly so as evidence mounts that the honor system can on occasion be an alarmingly deficient piece of institutional machinery.

A fourth goal West Point seeks to realize is the cultivation of a sense of personal and group accountability, and a primary force in implementing this goal are the scores of cadet regulations which define the parameters of acceptable cadet behavior.

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*SFS: *West Point and the Profession of Arms* (New York: Oxford University Press, 1974; London, 1975; rpt. as Galaxy Book [GB 454] 1976).

Each of the four goals I have just sketched is in and of itself admirable. And in the view of most academy officials, the methods of implementation just cited are reasonable and should, they believe, accomplish the desired goal. However, Mr. Chairman, I regret to report that when the current methods of implementation come together in the day-to-day life of cadets, not only are the goals frequently not accomplished, but some truly horrendous inconsistencies and contradictions frequently result. And a tragic example of such a development is starkly illustrated by the cruel ironies reflected in the electrical engineering home study exercise.

Even a cursory review of some of the essentially administrative facts pertaining to this exercise reveals how treacherous West Point's various systems for implementing worthy goals can be. For instance, the pattern of giving assigned study problems (ASP's), which elicited cadet collaboration was a weekly occurrence in electrical engineering. And since EE–304 is a difficult course for many cadets, the normal practice of cadet cooperation on out of class homework was particularly well-ingrained.

It should also be noted at this point that not only does the Academy's mandatory core curiculum require cadets to take this course without regard to their interest in or aptitude for it, but most cadets see little relation between this course and their future careers as Army officers.

So, in the midst of this incongruous situation yet another powerful factor was intruded, that of the stress of being placed on their honor. The challenge was to complete a difficult, time-consuming exercise which counted for about 5 percent of the semester grade in electrical engineering. The exercise was to be done by cadets over a 2-week period without collaborating with any of their roommates and classmates who also had the same problem. This act was to be accomplished while the cadets were to continue collaborating on other homework in the same course; and, in fact, this very problem had a subsequent part II for which collaboration was mandatory. Part II was in fact called, and I quote, "a team project."

Senator NUNN. Part II of the same examination you are talking about?

Mr. MOORE. Yes, sir.

Senator NUNN. Was that all given out as one——

Mr. MOORE. No, sir, it was to be given out about 2 weeks later, as I recall.

Senator NUNN. Two weeks later?

Mr. MOORE. Right. There would appear to be little question that hundreds of cadets, by some accounts, perhaps as many as 400 to 600 cadets, apparently were guilty of collaborating on this home study exercise; and, under the terms of the West Point honor code and the challenge they were given, those who are officially found guilty, are "cheaters." Unless the Secretary of the Army intervenes, they must be banished in utter disgrace.

Mr. Chairman, I would like to depart from my statement to elaborate on what I just said. The best available evidence suggests that cadets found guilty by officers boards will be banished from the Academy. This will occur because those in authority seem determined to ignore some of the crucial facts, facts which permit a rational analysis of this cheating scandal. They ignore the specific circumstances of this incident by claiming they will not apply, and here I quote senior officials directly, "a permissive society's view of situational ethics," to those they curiously identify—and this is an important identification—as "known cheaters."

Senator Nunn. Excuse me just a second.

Who is "they" in this quote?

Mr. Moore. The view that has been expressed here is a view that was expressed to me last Wednesday both by Col. Gilbert Kirby, who is head of the IRP, and by Brig. Gen. Walter Ulmer, the Commandant of Cadets.

Senator Nunn. IRP being the Internal Review Panel.

Mr. Moore. Yes, sir, right.

Senator Nunn. And by Commandant——

Mr. Moore. Yes, sir, General Ulmer.

They both are very concerned—and this is a common West Point theme which was expressed in testimony before this committee—that what they really are having to deal with are children of the 1970's who come from a permissive society. Thus, Academy officials feel they have a very difficult job of socializing kids who come from what many of them regard as an alien environment.

The other distinction which we can get into later is the emphasis on "known cheaters" as opposed to cheaters who go "officially unknown." The implications of this distinction are important. The institutional deficiency which this distinction seeks to conceal is that an open airing of the specific circumstances of this incident would unequivocally demonstrate that the machinery, the honor system, had malfunctioned.

Senior officials and many at the Academy fear this admission of an honor system breakdown for two reasons. First, they view an admission of a malfunctioning honor system as an admission of deficiency in their goal of duty, honor, and country; and, I think they make an incorrect judgment here because I don't think this is necessarily the case.

Second, as a West Point lawyer noted at the congressionally sponsored West Point Honor Code Forum last week—which you referred to in your opening remarks, Mr. Chairman—and I quote him, he said: "Academy officials at this point refuse to accept any portion of the blame" for this cheating incident. And because of this failure of leadership on the part of Academy officials, the American public has been receiving a tragically erroneous impression of the events which have needlessly slandered both West Point as well as implicated cadets. The erroneous image has arisen that West Point contains hundreds of cadets who callously and flagrantly cheated on what is commonly referred to as an examination, when what, in fact, happened was far less dramatic and far more complicated.

Senator Nunn. Excuse me just a minute.

Who are you quoting there? Is that one of the defense counsels?

Mr. Moore. No, sir, that was my own assesment of the situation.

Senator Nunn. I thought you had some quote that took place——

Mr. Moore. The quote that I should have closed and didn't was that Academy officials at this point refuse to accept any portion of the blame. That statement was made by a defense counsel.

Senator Nunn. Would you repeat, then, after that, so we will have it clear in the record. That closes the quote, and repeat that last sentence.

Mr. Moore. Yes, sir, I will.

The quote was, and this was one of the two reasons that I think West Pointers, particularly senior officials are reluctant to acknowledge that the honor system has malfunctioned. If they were to acknowledge that—and here I am quoting a West Point defense counsel—they would have to at this point accept some blame for what has occurred. The direct quote was "Academy officials at this point refuse to accept any portion of the blame" for this cheating incident. I went on in my statement to refer to a failure of leadership on the part of the officials so involved.

Senator Nunn. Why don't you just repeat what you said after that quote if you would.

Mr. Moore. OK. And because of this failure of leadership on the part of Academy officials, the American public has been receiving a tragically erroneous impression of this event which has needlessly slandered both West Point as well as the implicated cadets—and I think this is an important distinction. Both parties are losers in this particular public relations battle which is now going on between the Academy on the one hand and the implicated cadets on the other. What the public relations battle now under way creates, is the erroneous image that West Point contains hundreds of cadets who callously and flagrantly cheated on an examination, when in fact what has happened is far less dramatic and far more complicated.

Now I will return, Mr. Chairman, to my statement.

As I have been suggesting, one of the most depressing aspects of this situation is that the details of the circumstances surrounding the Electrical Engineering 304 exercise have not to my knowledge been fully presented in the press and thus few Americans have even a superficial knowledge of the context in which this widely publicized incident actually occurred.

I will be glad to return to any of these matters and discuss them in much greater detail if you wish, but before concluding my prepared remarks I would like to make some general observations.

Senator Nunn. All right, just a second on that point, now. You say that one of the most depressing aspects of this situation is that the details I have just sketched have not to my knowledge been fully presented in the press. The details, particularly the details about the exam itself and the background of that examination, the fact that this had been a habitual way of collaboration which was legal before this particular examination was given——

Mr. Moore. Even mandatory, in many instances. In other words, it was required.

Senator Nunn. And then all of a sudden they had one that they were not supposed to collaborate on.

Mr. Moore. Yes, sir, that's right.

Senator Nunn. Now, on the one that they were not supposed to collaborate on, was there any indication that the instructions were not clear on the——

Mr. Moore. No, sir, I think the instructions were quite clear.

Senator Nunn. The instructions were clear, but your point is that once you get in that pattern it is almost unfair to the cadets to expect them not to continue that pattern once it has been established.

Mr. Moore. One of the reasons is that it is pedagogically sound to cooperate with one's classmates. An officer who sat on an officer review board said to me last week that he "would be the first to admit that the pedagogical procedures inherent in honor-bound homework are pedagogically crazy," by forbidding people from in fact learning from their classmates and teaching their classmates. And at West Point, the pattern of helping out classmates who are on the borderline of being deficient in courses is one of the most characteristic patterns within the cadet subculture, because there is that intense feeling of cooperation and camaraderie.

So you have a situation in which cadets who were used to cooperating with each other in this particular course on a weekly basis were forbidden from in fact working together.

Senator Nunn. Does this happen in other courses, or was this unique in this particular——

Mr. Moore. No, sir, it has happened in other courses.

The same problem comes up frequently in the English department, the department with which I am most familiar. After a certain point, students are not allowed to talk to each other about themes that they are writing. Consequently as testimony before this committee has noted in a situation in which one roommate is working on a theme, if he were to ask another roommate for help in preparing material in a particular paragraph, or even with something as minor as a word—how to spell it—he would be guilty of an honor infraction. The roommate who helped him would be guilty of unauthorized assistance. If another roommate overheard, he could be guilty of toleration. If this three-man situation were overseen by a fourth party who reported them, all three could be expelled from the Academy over an issue of how to spell a word properly, or the explusion could be over an issue which is more pedagogically interesting, really, of how to clarify a thought in a particular paragraph.

Senator Nunn. OK, let's go ahead.

Mr. Moore. I believe that the majority of officers and cadets at West Point may genuinely feel that it would be a serious mistake if the cadets who are found guilty of unauthorized collaboration were to be reinstated. Having said this, I would like to call the committee's attention to three revealing paradoxes which characterize what can at times be a kind of institutional schizophrenia.

First, many West Pointers who believe that all cadets who are found guilty——

Senator Nunn. Excuse me just a minute. Have you left the statement?

Mr. Moore. Yes, sir, I have.

Senator Nunn. This is additional.

Mr. Moore. Right.

Senator Nunn. Let's back up because I was trying to read ahead on it.

Mr. Moore. All right. I'll go back to the point where I departed from the statement.

Senator **Bartlett**. Dr. Moore, have you finished your statement, or are you just——

Mr. **Moore**. No, sir. I had one supplemental.

Senator **Nunn**. He is on the bottom of page 5, but he is about to depart from the text on that.

Mr. **Moore**. Well, let me begin, if I might, at the paragraph at the bottom of page 5. I believe that the majority of officers and cadets at West Point may genuinely feel that it would be a serious mistake if the cadets who are found guilty of unauthorized collaboration were to be reinstated.

I would like to depart from my statement for a second to read this passage. Having said this, I would like to call the committee's attention to three revealing paradoxes which characterize what can at times be a kind of institutional schizophrenia.

First, many West Pointers who believe that all cadets who are found guilty should be separated from the Academy hold to this view even though they privately acknowledge that this particular type of unauthorized collaboration on homework has probably been commonplace in recent years.

Second, they hold to this view even though they privately acknowledge that these sort of homework assignments will almost assuredly not be given in the future because they now realize much about the past practice smacks of entrapment. And a third paradox, they hold to this view even though they privately acknowledge that this fall the intermediate penalties concept is likely to replace the single sanction concept.

Senator **Nunn**. Are you saying now that a majority feel this way, or are you just giving us your views that a substantial number of cadets feel this way.

Mr. **Moore**. My best judgment, and this is based again on the research that I have referred to from interviewing people here in Washington as well as people at West Point last week, including General Ulmer, and Colonel Kirby, is that there is a pervasive feeling that the intermediate penalties concept will replace the single sanction concept. But there is also general agreement that that change would not affect the kind of incident which occurred on the Electrical Engineering 304 exercise.

One of the fascinating features of the 304 exercise is that what did occur is under any definition of the West Point honor system "cheating." The act of cheating on the part of people who have been at West Point for 3 years is something that many West Pointers can't in any way rationalize as an act which would require less than expulsion. They just will not consider—and this is something that is difficult to talk about—they will not consider the extenuating circumstances which in many respects they created. By "they," I mean particularly the electrical engineering department and academic planners at the military academy.

Senator **Nunn**. So what you are saying is that if they have a referendum this fall at West Point on whether there ought to be flexible sanctions, or what was your terminology, intermediate——

Mr. **Moore**. Intermediate penalties.

Senator **Nunn**. Intermediate penalties, that would be synonymous with flexible sanctions?

Mr. Moore. Yes, sir, I think so.

Senator Nunn. Anyway, more than one form of punishment other than just being expelled. You are saying that even if that referendum is held, and even if the cadets affirmatively approve that, you do not believe it would be applicable in this case, that even if this case should arise in the future, it would not be applicable, is that right?

Mr. Moore. Yes, sir, that is my judgment.

Senator Nunn. So that cheating as defined in the honor system at West Point, even if they had flexible sanctions, in this kind of case would demand expulsion.

Mr. Moore. I think particularly on the part of people who have been there for 3 years. But what this does not do is—it simply does not take into account the weight of the circumstances under which this particular act occurred. There is something very troublesome to most military people about putting a great deal of weight on circumstantial evidence. From a West Pointer's turn of mind, the analogy tends frequently to extend to the battlefield. They argue that on the battlefield you can't control circumstantial evidence. You have a job to do and you either do it or you don't. And circumstantial evidence is just something that by professional inclination they tend not be able to take as seriously as people in most other vocations would.

Senator Nunn. Do you think they should have a question on the referendum relating to this specific instance as to whether the flexible sanctions, (1) should be made retroactive, and (2) whether circumstantial evidence should be considered so that in this instance, or one like this in the future, there would be flexibility?

Mr. Moore. Yes, sir, I think that would be a very sensible thing to do, and I would hope that they would develop questions along the lines you have just suggested.

Senator Nunn. Well, I feel pretty strongly that whatever is done has to be done by the corps of cadets, right or wrong.

Mr. Moore. Yes, sir.

Senator Nunn. I would say, if it is attempted here in Washington or through some court of appeals, which of course is not within our power, that is up to the courts. However, if something gets reversed on this, whatever the outcome, if it is not handled there by the cadets, I think it is going to further erode confidence in the honor code.

Mr. Moore. This is a very sensitive situation, and I think that great care has to be given that the corps of cadets is allowed to develop its own response to this problem. But it must be acknowledged that the creation of the Internal Review Panel raises a most serious question. This was pointed out in the West Point Forum last week, sponsored by Congressman Thomas J. Downey and others. The creation of the Internal Review Panel really set aside the functioning of the Cadet Honor Committee. For an extended period of time, the cadet honor committees were denied the opportunity of dealing with what was a cadet infraction. The precedent has already been established by the Academy officials themselves for setting aside the functioning of cadet honor committees.

Senator Nunn. You would agree with the statement that not only could Congress disrupt the honor system by trying to take it over, but also the U.S. Army Corps.

Mr. Moore. They already have. There is no serious disagreement about that. Academy officials give compelling reasons for having done it, but the fact is that is what they did.

Senator Nunn. Well, let me pose this hypothetical question.

Let's assume that they had a referendum at West Point in the fall and they asked, say, three or four major questions such as: One, whether there should be flexible sanctions; two, whether these flexible sanctions should be made retroactive; and three, whether or not extenuating circumstances, even where cheating did occur, should be considered in administering punishment. In other words, so they would have the whole gamut, the cadet corps would be asked: One, should there be flexible sanctions; two, should they be made retroactive; and three, should they be, in terms of flexibility, extended to circumstantial evidence and extenuating circumstances.

If the cadet honor corps were posed with those questions, do you believe that justice would be served, by asking those questions, and do you believe that the honor system itself would be served?

Mr. Moore. I think that those questions would be extremely useful to ask. But one of the difficulties that has arisen, and one of the tragedies in this situation, is that people have become so politicized as a result of the controversy that has been raging over this matter. I have been talking to cadets both at West Point where I was last week with a colleague, Dr. Mark W. Kimble, when we interviewed the vice chairman of the Cadet Honor Committee, Mr. Hodges, among others. And I have had many conversations with cadets in the Washington area over the last couple of months. There is a strong feeling that the corps of cadets, in whatever vote they take in the fall, will have to be certain that they come down firmly in support of the honor code and the honor system. They feel that way because they feel they have been under the gun.

So it is very difficult, I think, to know for certain how the corps of cadets is going to vote and it is going to be difficult to understand what the vote means when it does occur. It is again a matter in which one has to carefully try to understand the dynamics of the context in order to get a reading of the situation.

Senator Nunn. But if the corps of cadets really does have the honor code, and if it really is theirs, I suppose they ought to be entitled to make mistakes with it. In other words, if they were to decide against flexible sanctions, if they were to decide against retroactivity and if they were to decide against flexibility in extenuating circumstances, if they were to say no on all three of those, it is still their system.

Mr. Moore. Yes, sir, and I think that although the Internal Review Panels have had the effect that we just discussed, of replacing the cadet honor committees. The honor system is going to be turned back over to the cadets in the fall. There will be a fairly unencumbered election; the cadets will have a chance to speak for themselves, and their vote will be their vote, whatever it reflects.

But the pressures under which that vote will be taken, and the other considerations that the cadets are taking into account is something that is very hard to know about until the situation arises.

Senator Nunn. But do you think that having such a vote would be helpful under any circumstances?

Mr. Moore. Yes, sir. In fact, it is inconceivable that the vote will not occur; and, everybody I have talked to at West Point suggest that there is little doubt it will occur.

Senator Nunn. Do you think it will be phrased in a 3- or 4-part question so that it will not be just one question?

Mr. Moore. I would hope so, but I really don't know. It is not at all clear to me that that decision has yet been made.

Senator Nunn. Well, I will get into some other questions here in a few minutes. I have a good many of them.

Senator Bartlett, do you want to ask anything at this point?

Senator Bartlett. Yes; Dr. Moore, what cadets would be voting on these questions: 4 years, or 3 years or 2 years?

Mr. Moore. Senator Bartlett, I'm not sure that they have made a determination about that, but the pattern would tend to be that it would involve the last two classes since those are the only two classes who can elect honor representatives to the honor committee. That in and of itself raises questions. I don't know whether the plebes, I just don't think they have come to terms with the mechanics for that yet, although I may be wrong.

Would they allow the plebes, for instance, to vote? I just don't know.

Senator Bartlett. So it would be last year's junior and sophomore classes?

Mr. Moore. Yes, sir, that would be my guess.

Senator Bartlett. You were talking about the internal review panels, and I think you indicated the actions taken by those panels did interfere with the cadets' operation of the honor system.

Mr. Moore. Yes, sir.

Senator Bartlett. Would you explain just how those panels worked then, how they did interfere? Am I correct, for example that there were some cadets who were adjudged to be not guilty by the cadet process who were then later brought before the Internal Review Panel and have since been charged?

Mr. Moore. Yes, sir, that's right, and in fact, frequently when they were brought before it, they didn't know—one cadet I interviewed said that he thought he was being called as a witness and found when he came into the room that he was being charged again with a violation.

Senator Bartlett. Could you explain in some detail just how this process worked and why the authorities—what arguments they gave or what reasons they gave to justify it?

Mr. Moore. Yes, sir.

I had a long interview last week with Col. Gilbert Kirby, the West Point officer who is head of the IRP's, the internal review panels. He said some very interesting things about what went on. He said first of all that the IRP's were put under a narrow charter to consider the electrical engineering 304 exercise; and, this was basically their reason for being, but that they have considered a few other peripheral matters. In Colonel Kirby's judgment, two important differences which separate the IRP panel from the honor committee was first, that the testimony before the IRP's was put under oath. Thus, the Uniform Code of Military Justice came into possible effect. It did not come into possible effect under the honor committee setup, and many cadets considered this highly prejudicial to their circumstances. A second matter is that the cadets could not decline to come before the Internal Review Panel; and, when they did come, they weren't necessarily told why they were appearing. They were ordered to appear.

When they testified before the honor committee, the cadets were not put under oath and thus they were not confronted with possible UCMJ difficulties. And, second, they could also decline to come.

Senator BARTLETT. Decline to come before the cadet——

Mr. MOORE. Yes, sir, but they could not decline to come before the Internal Review Panel.

Senator BARTLETT. How does an honor violation process work if a cadet declines to come before the committee, or before the panel?

Mr. MOORE. If he were to decline to come before a cadet honor committee, the case would be developed without him. The honor committee would come to whatever conclusion it came to, and he simply would not ever have to be present.

Senator BARTLETT. I see.

Mr. MOORE. But in front of the IRP's, he has to be present.

Senator NUNN. Does he have the right to invoke the fifth amendment if he wants to?

Mr. MOORE. Yes, sir, it is my impression he does.

And many did.

Senator BARTLETT. Were they, before these panels, ordered to answer or ordered to respond?

Mr. MOORE. It is my impression—I haven't actually attended any of the internal review panels—but from my interviews and some public testimony, I believe that in certain instances cadets were, in their own mind at least, ordered to testify. On some occasions, they were told that their silence would be taken as an indication of their own guilt.

Senator Bartlett, I might make this point which Colonel Kirby and others made to me. He said very candidly, that there was nothing very gentle about this process. And he used this analogy; and I quote him directly, "there is nothing very gentle about a policeman investigating or interrogating a prisoner." He said that "we are diligent, we are. We are diligent, persistent and tough." He called it "an investigative procedure," and, because he regarded the IRP setup as an investigative procedure, he talked very candidly about how "diligent, persistent and tough" the IRP meetings with cadets were. He said that there was no determination of guilt or innocence but rather what he called "sufficiency of evidence," to send the case on to an officer review board. He did point out that the cadets were advised against self-incrimination.

Senator BARTLETT. What would be your judgment of all of the examples and facts that you have related?

Mr. MOORE. The most obvious thing is how different the IRP's are from the cadet honor committees. Certainly a very untraditional and unorthodox development occurred when the IRP's were developed explicitly to replace the honor committees. And in some instances there were Internal Review Panels which did not contain any cadets. So not only were the procedures very different, but the composition of the panels was radically different.

So it is a radical departure from tradition. Some have argued that the cadets were denied the process that they had every right to expect by having their capacity to be considered by a group of their peers, the honor committee taken away from them.

So again, there is just no way to get around the fact that the Academy itself, at a particular point in time, replaced the honor code and honor system as the prerogative of the cadets. They did. And they did it for what they regard as compelling extenuating circumstances. They frequently justify it as an administrative problem with graduation coming up and people graduating who are on the honor committee, and other people who had assignments, and also the pressure of classroom work.

Senator Bartlett. Can the honor code be enforced without the system being the prerogative of the cadets?

Mr. Moore. I don't see how that is possible.

Senator Bartlett. All right. In your opinion, has the action of the establishment of the Internal Review Panel by the officials at West Point handicapped the cadets, made it impossible or interfered with their operations? What will it do in the future with just the normal kind of problems that the honor committee will be faced with because of this?

Mr. Moore. I think it is very difficult to tell at this point in time what the effect of the creation of the Internal Review Panel will have been.

One of the things that strikes a visitor to West Point right now is how out of sorts everybody up there, who has anything to do with this particular matter, tends to be. It is a time of incredible disorientation and trauma for the cadets and for many of the faculty members. There is a sense that they just really don't know what is likely to happen next. They don't really understand—in some ways they don't seem to understand—what has happened.

Senator Bartlett. I suppose the members of the honor committee could feel, unless there was good reason not to, that because there had been the creation of these panels, the Internal Review Panels, that in the future there could be such an intervention——

Mr. Moore. Yes, sir, that's right.

Senator Bartlett. Now, if a person was serving on an honor committee, a cadet was serving on an honor committee in the future, would you think that the possibility of such a re-creation of that kind of intervention would interfere with the cadet operation of the honor committee and with his participation as a member?

Mr. Moore. Senator Bartlett, I think your perception on this matter is very astute. It is going to be a problem. It has happened once, and it could well happen again. And any cadet honor committee member would have to be aware of that.

Senator Bartlett. Was one of the reasons given for having the Internal Review Panels that the honor system fell apart, was not functioning properly? Didn't do the kind of job it should have done?

Mr. Moore. That statement would almost never be made for the record. But since, when I go up there to interview, I frequently interview people whom I have known for years and I talk to people whom I have known for years, many say flat out that is obviously what occurred. The problem simply outstripped the capacity of the honor committee to deal with it. And secondly, they say that there were so many charges being made about the fixing of honor trials and so much controversy which arose over the personalties of some of the cadets involved and because of the publicity, that, as one officer said to me—which I reported in a New Republic* piece on this scandal—that the superintendent simply felt compelled to take charge.

And one of the things that is fascinating about this particular situation is that one must constantly keep in mind that we are dealing here with military folks. They are people who like particularly to have a feeling that they are in charge of their command. Something like this is particularly distressing because it calls into question who is in command. And so when something like this develops, it is understandable—considering the pressures the superintendent would feel himself to be under—for him to after a point take charge of his installation, take charge of his troops, and assert his own command prerogatives.

There is a problem, though, in this instance. What the superintendent feels to be command prerogatives contradict tradition and contradict what the cadets had thought was their reasonable expectation. The cadets believed that they would be judged by a committee of their peers, notably the honor committee.

Senator BARTLETT. In your opinion, has there been and is there a difference of opinion between the cadets and the officers and officials at West Point on whose responsibility the honor system is? In other words, for example, do cadets feel that it is entirely their responsibility, do the officers and General Berry feel that they have a responsibility for the business, and are those lines clearly drawn and understood?

Mr. MOORE. I don't think the lines are. It is understandable in the current circumstances that that would be a general feeling. As you have pointed out in your own observations, what happened demonstrates unequivocally that it isn't clear who is in charge. The IRP came in and took over the function of the cadet honor committees, and now the cadet honor committees are back again in functioning order. But the Internal Review Panels still have matters that they are dealing with, too.

Senator NUNN. Are they both dealing with this particular case, these cases that flowed out of this exam, or——

Mr. MOORE. I am almost certain that the current arrangement is for the Internal Review Panel to deal with things growing out of the EE 304 exercise, and the cadet honor committee, I believe, is not being allowed to address EE–304 matters. I am almost certain——

Senator NUNN. They are handling other matters?

Mr. MOORE. Yes, sir.

Senator NUNN. Senator Bartlett, we are probably going to have a vote in just a few minutes, and Mr. Moore has about 10 or 15 minutes more on his statement, and then we can come back and ask questions——

Senator BARTLETT. Could I ask, Mr. Chairman, a rapid question on this. It is a specific question that I would like his comments on.

Do you think that the establishment of the IRP is detrimental to the health of the cadet corps? In other words, do you see the establishment of the IRP contrary to the sacred principle that "the honor code belongs to the cadets."

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*"Obeisance to an Ideal," June 12, 1976, pp. 15, 17, and letter on July 3 and 10, 1976, issue, p. 33. See also "Christian Science Monitor," July 13, 1976, p. 27 and October 20, 1976, p. 31.

Mr. Moore. Sir, it is obviously contrary to the principle, but, how detrimental it has or has not been is very, very difficult to say. I don't have at this moment a firm conviction, although I am continuing to investigate this and will, I think, a couple months from now, have a clearer impression. I just can't say at this point how detrimental it has or has not been.

Senator **Bartlett.** Has it been helpful to the health of the cadet corps or is it the other way around? Has it contributed to the health of the cadet corps, to establish the IRP?

Mr. Moore. My present impression is that it has not because it did, in fact, take away what were by tradition cadet prerogatives. But I would have, I think, a better understanding of that a couple months from now than I presently have.

Senator **Bartlett.** Thank you, Dr. Moore.

Senator **Nunn.** Let's go ahead and finish with the statement. Then we can come back and ask more questions.

Mr. Moore. I was talking, Mr. Chairman, before we departed for other matters, about the paradoxes which exist at West Point. For instance, people hold to the view that the cadets should be expelled from the Academy, even though they privately acknowledge that these sort of homework assignments will not be given in the future because they now realize much about the past practice smacks of entrapment. I also pointed out as a third paradox that they hold to this view even though they privately acknowledge that this fall the intermediate penalties concept is likely to replace the single sanction concept.

Now resuming my statement, in short, there is little inclination at West Point to seriously take into account in their current deliberations specific factors that made the electrical engineering home study exercise as morally hazardous as it was. This apparently stems from the fact that what the Academy wants most urgently is a solution to the immediate problem rather than an analysis of its causes. But the effect, in human terms, of this course of action, is that it does not address the fate of those unluckly few hundred who were caught. The pervasive feeling seems to be that it is more acceptable for a few hundred to perish than for the Academy to run the risk of coming to terms with its institutional soul at this time.

Mr. Chairman, it is simply not realistic to expect a proud, highly partisan, tradition-encumbered institution such as West Point, to come clean on its own. I do not doubt that West Point has the potential capacity to make much needed reforms in its honor and conduct system, some of which, as I have just suggested, seem imminent. But I am convinced that it lacks the will to make those reforms or to deal reasonably and fairly with those involved in the EE-304 controversy unless persistent outside pressures are applied by appropriate congressional forces.

But there are some aspects of institutional life which may be immune from even the most subtle and sensitive outside influence. And I think here of a common West Point passion to assign a moral dimension to almost every element of cadet life. This is commonly seen when the honor system is used to enforce cadet regulations, a phenomenon which has been discussed at length in "School for Soldiers" as well as by Congressman Thomas J. Downey in his appearance here.* This pattern drew an exasperated response from a government official in a conversation last week. "The Academy's major failing," he said, "is that they have totalitarianized every cadet to the point at which every act there has a potential moral dimension. And "life just ain't that way. It's crazy to impose moral injunctions on activities which just don't have moral injunctions."

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*See "Congressional Record," for August 30, 1976, pp. E4740-E4742.

Is it too much to hope that the Military Academy may ultimately emerge from its current difficulties with its worthy goals still intact, but with a chastened sense of its own limitations as a moralizing agency? And perhaps somewhere along the way, the Academy may come to temper its severe sense of justice with compassion and an appreciation of its regenerative powers.

Before closing, I would like to acknowledge for the record the assistance of my colleague Dr. Mark Kimble, in preparing material for my appearance today, and to add that he is working with me in a continuing effort to better understand the ramifications of the issues we are discussing.

Mr. Chariman, Senator Bartlett, thank you for the opportunity to appear before you today. I would welcome your questions.

Senator NUNN. Thank you very much.

For the record who is Dr. Mark Kimble?

Mr. MOORE. Dr. Kimble is a colleague of mine from the University of Maryland who has taken a recent interest in this matter and went with me to West Point last week to help with interviewing, and has also helped in the gathering and sorting of documents and other related materials.

Senator NUNN. I am interested in your suggestion that it will take some outside pressures. I think you made reference to congressional forces and "persistent outside pressures," to really get West Point to come clean on the whole thing and to really examine not just the present cases but the underlying causes.

What kind of "persistent outside pressures" do you have in mind?

Mr. MOORE. One pressure is the pressure that is applied by the fact that this committee has been and continues to hold public hearings on this matter which contributes to a public dialog about what this federally supported institution is and is not about.

A second matter which I think could be quite useful is that at some point in time, an investigation into circumstances surrounding this incident would be quite appropriate. Although there is no need necessarily for it to result in any legislative response, it would let the Academy know that there is intense outside interest in this particular matter; and they should behave as scrupulously and as thoroughly as possible in dealing with this.

I would like to mention another point that is particularly revealing. In talking in the Washington area with people who are currently in uniform, many of whom were West Point graduates, and also in talking to people at the Academy, by telephone, and during the recent visit, I have been struck how desperately they want this situation to pass. They just regard it as one of the most obstructionist developments in the recent history of the Academy. They feel that if it would somehow go away, they could get back to what they see as their proper business of training and indoctrinating young American men and women for careers in the U.S. Army. In other words, the institution and its graduates are their own worst enemy by not taking the time to look carefully at the causes of this particular incident and taking them into account before they try to solve the problem.

It is commonplace for people that I have known in the military to be so earnestly interested in solving a problem that they don't look carefully enough at the nature of the problem. The Academy's own interests would be served if they would take the time to take into account the nature of this problem and then try to solve it after they have taken the nature of the problem into account.

But over and over again in interviews, officers say to me: "The question is, 'Did they cheat'?" and that is really, for so many people at West Point, the only issue they are interested in addressing.

Senator NUNN. Do you feel that Congress has any appropriate legislative remedy for this malaise that is going on now? Do you think Congress should attempt in any way to impose, by legislation, what the honor system should or should not be?

Mr. MOORE. I don't see any particular need for that at this point in time. I may feel differently some months from now.

What has to be acknowledged—and has been acknowledged frequently in your statements as you have opened the hearings on various days— is how fluid the situation is and how much matters change. Today, as you opened your statement, you felt compelled to make this malaise a matter of record, and any discussion or any speculation we have right now is subject to events over which we have no control.

Senator NUNN. It seems to me our role is to give it oversight and close scrutiny, to let the Secretary of Army and the people in the Department of Defense know that we are concerned about it, not just as an incident occurring now, but also what the future of the honor code is, what the future of the honor system is, and really, what role West Point will play in the future in the overall national security picture.

I have a great deal of reluctance, being a lawyer myself and realizing some of the tactics employed by prosecution and defense in normal cases, to have a congressional committee supply a forum for the adjudication of the case. I am also very concerned, on the other hand, with the allegations that have been made by defense counsel that they are being in some way intimidated or interfered with by the Department of Army, because while I don't want to prejudice the cases, I don't want the Army to do it either.

Mr. MOORE. Yes, sir.

Senator NUNN. Consequently, I am writing a letter to the Secretary of the Army today pointing out some of these problems and posing the earlier dialog we had about the suggestion. I want his response to the suggestion regarding the referendum—what the referendum would contain in the fall. I am also going to point out to him these allegations that have been made by defense counsel relative to their being interfered with. I am going to ask the Secretary of the Army to give us an immediate response to that.

Mr. MOORE. I think that would be very useful, Mr. Chairman.

Senator NUNN. The letter is being prepared now. I will make that a part of the record, hopefully, before the hearing concludes.

Senator Bartlett, we have 2 or 3 minutes before we have to go vote. Why don't you take the rest of this time?

Senator BARTLETT. Thank you, Mr. Chairman.

Doctor, you mentioned the problem of using the honor code as a method to enforce cadet regulations.

Do you think that it should be used for that purpose, or should it be used just in the academic area? Or what other thoughts do you have on it?

Mr. MOORE. Yes, sir. A candid response to that excellent question is difficult because the notion at West Point—which sets West Point remarkably apart from the other academies, particularly from the Naval Academy—is that they tend to believe that most human actions do have a moral dimension. Consequently, when you ask someone at West Point whether or not he shined his shoes or whether or not he did some other action covered by regulations, the cadet is expected to respond truthfully. This expectation of total truthfulness on all matters involves honor considerations.

At the Naval Academy they don't have nearly the stringent notion of the pervasiveness of honor in all aspects of midshipmen behavior. One of the most serious matters which your hearings have surfaced is the really startling fact that cadets at West Point and midshipmen at the Naval Academy are operating under radically different notions of accountability. This is a stunning revelation. Even though I have studied the academies a good bit in recent years and have had conversations with Admiral McKee at the Naval Academy, and that has come up in our conversations, I never thought about it so dramatically as I was able to do after various representatives from the academies came in here and testified before you. They really were marching to very different drummers. And I think the implications of the academies differing concepts of honor are most serious and need to be studied far more closely and carefully than they previously have been.

Senator BARTLETT. Well, I take it then from your answer that you are undecided on whether the honor code should be applied only to academic matters.

Mr. MOORE. I think that it should be applied to academic matters and to certain activities within the corps of cadets which are not academically related. But I have serious problems with—and West Point cadets have horrendous problems with—how this shakes down in their day-today lives.

Senator BARTLETT. So you are saying there are other areas that it should be used or could be used, but those should be spelled out and made clear and not be made all-persasive?

Mr. MOORE. Yes, sir, I think that would be a very constructive change.

But I must say, Senator Bartlett, that the resistance to that would, I think, be very considerable——

Senator NUNN. Senator Bartlett, you might be interested in knowing that Senator Goldwater is very interested on this point, and I have had several conversations with him about it. Of course, he has had a lot of experience with the Air Force Academy and some experience with the Board of Visitors at West Point. You might want to talk to him about it.

Senator BARTLETT. I was involved with the honor system at Princeton many, many years ago, and at that time the students at Princeton would use the code in every day life unofficially. It only applied to the academic side, but if they wanted to sort of tie down a person as to whether his statement was true or not, instead of saying, would you swear on a Bible to that, or would you give me scout's honor, as a scout might say, will you give me the honor pledge. If the person would do that, then that was considered to be his pledge of honor. That would certainly indicate that he was not kidding or was in fact telling the truth.

So I assume that this would be done just by the cadets themselves.

Mr. MOORE. As it exists now, any direct question from almost anybody is potentially an honor problem. This is not at all the procedure that is followed at the Naval Academy, and it is somewhat different, I understand, at the Air Force Academy.

Senator BARTLETT. Do you think that does contribute to problems in the administration of the honor system?

Mr. MOORE. Yes, sir. The most serious thing is it undercuts the integrity of the system because it puts it into effect in situations which are frequently very trivial.

Senator NUNN. We will be back in about 10 minutes, if you don't mind waiting.

[A brief recess was taken.]

Senator NUNN. I have an interesting legal question I would like to ask you. The relationship between the privilege of taking the fifth amendment on the one hand, and the obligation under the nontoleration clause on the other, to me, as a lawyer, is a really intriguing situation. That is, how can one who is charged with the responsibility of not tolerating any form of breach of the honor code, either by himself or by others, at the same time take the fifth amendment on denying information to an honor tribunal on the grounds that it might tend to incriminate him?

Mr. MOORE. I think, Senator Nunn, that this is one of the kinds of binds that the officers, primarily the officers who have been running the IRP's know that they have put the cadets in. They have really got them between a rock and a hard place, and they know it. And from a cadet's point of view, having been placed in that position, their choice is the lesser of evils as to which route they want to take.

And that is why the act of silence is taken to be an indication of guilt because they are not really given "the privilege" of taking the fifth amendment without prejudice.

Senator NUNN. Well, the Air Force Academy has a nontoleration clause, too. I believe the Naval Academy does not.

How is this situation resolved? In other words, even theoretically how can it be resolved from a legal point of view—not in these particular cases, but theoretically—how can the privilege to deny testimony because of self-incrimination be compatible with the obligation not to tolerate cheating in yourself, or is it theoretically possible?

Mr. MOORE. I have to speak as a layman rather than as a person schooled in the law. I don't understand how that dilemma could be resolved.

Senator NUNN. I don't either. I think it is an interesting question.

Senator Bartlett, why don't you go ahead. I have a whole string of questions but I will wait until you get an opportunity to ask some more.

Senator BARTLETT. Dr. Moore, I missed part of your testimony. I think the part in which you spoke of entrapment and talked about the kind of examination that was given by the engineering department as being the kind of examination that did tend to entrap the cadet.

Could you tell me your thoughts on that, on a broad basis? What are the kinds of examination situations that do entrap, in your mind, the cadet? I asked a question in one of the hearings along that line, along the line of would a multiple choice question lead to cheating to the extent that it might almost invite cheating, and the answer I got was, well, we certainly are not trying to coddle or protect the cadets on knowing what the rules are and what to expect and so forth. How do you look at the two sides of that?

Mr. MOORE. One of the observations that was made to me most frequently last week, and throughout my conversations and investigations in the last couple of months is a question which took this form: "Can this institution require a cadet to do his own homework for his own grade? What is, in theory, so unreasonable about that?" Another officer said; "What is so hard about being honest? The people were asked to do their own homework, and the taxpayers expect this."

What you get here is a conflict between what appears to be a reasonable expectation and the actual mechanics of how the event unfolds. There is a kind of vacuum, between what many Academy officials believe are eminently reasonable requests and expectations, and the nitty gritty day-to-day aspects of cadet life. It is unreasonable in the current Corps of Cadets, particularly because of the enormous expansion in size over the last 10 years, to expect certain kinds of homework like this electrical engineering exercise, to be anything other than an unreasonable strain on cadets' ability to do their own work.

The best way to talk about the kind of question you have posed is to deal with it in more specific ways. There seem to be some instances in which homework assignments, like, for instance, a research paper, when it is reasonable to expect that a cadet would do his or her own work. But on an exercise like the EE 304 project, in which the pattern of collaboration has been required, to suddenly say that they cannot collaborate is very unrealistic.

And as was demonstrated in this case, because the pattern of collaboration was so widespread throughout the corps, it just didn't work. And there is every reason to think that on similar exercises, of which there were a good many over this last year, that hundreds and hundreds of cadets were guilty of similar kinds of collaboration. And one of the most worrisome aspects of this current case is what is the effect on the health of an institution when lots of people are being severely punished, probably to the point of expulsion? And being punished for an offense which was in fact symptomatic of a widespread pattern, of collaboration?

But one of the difficulties in coming to terms with this question is that the people at the Academy frequently make a proposition which, as it is stated, seems eminently sensible. They say: "Why can't we expect cadets to do their own homework? This is the only issue here. The only issue here is—did they or did they not cheat?" However, such questions are not comprehensibly understood unless you look at the particulars of the given situation under discussion.

Senator BARTLETT. All right.

Recognizing that if you talked about a broad and a narrow definition of cheating, the broad definition would include spelling of a word or perhaps structure of a sentence coming from someone else other than the person who signed the paper, what percentage of the alleged violations in your mind would not be true cheating in the narrower sense of cheating?

Mr. MOORE. In this particular?

Senator BARTLETT. Yes.

Mr. MOORE. The only way we will ever know the answer to that is that if these cases are developed by taking into account in a rather intricate way circumstantial evidence. There are some situations in which cadets talked to each other about how to do the problem, and then did it on their own. There are other instances where a cadet stole another cadet's paper and copied the entire response to the problem, unbeknown to the cadet who had done the problem himself.

So the range of infractions on this particular exercise is enormous. I find, in talking to the cadets, that some of them will readily admit that they collaborated in a person to person way. But in some instances, I discover that I am dealing with a cadet who admits stealing a roommate's exam and who seems to me to be very unreliable and dishonest. In another instance, I will interview a cadet who seems to be guilty of merely having talked to his classmates about how to do the problem. After benefiting from that particular kind of collaboration, he then worked out the problem by himself.

There seems to be a monumental difference between stealing a fellow student's paper and copying it and having a conversation with a fellow cadet and then going ahead and doing the problem on your own.

Senator BARTLETT. But now in this particular examination, and I am a little hazy, it was given to quite a number of different groups, quite a number of cadets.

Mr. MOORE. Yes, sir, well over 800.

Senator BARTLETT. Well over 800.

Mr. MOORE. And they were given exactly the same problem.

Senator BARTLETT. All right, do you think exactly the same examination should be given to that many cadets with a paper that is done in the room and which the cadets—how long did they have in this time?

Mr. MOORE. Two weeks.

Senator BARTLETT. Two weeks.

Mr. MOORE. It is a very poor pedagogic practice, and that is widely acknowledged at the Military Academy. There are few officers I have talked to who don't say "Gee, we shouldn't have done that."

Senator BARRETT. There are few people there who say, "gee, we shouldn't have done it?"

Mr. MOORE. Most people do think that it is a mistake.

Senator BARTLETT. Most people at the Academy think it was a mistake.

Mr. MOORE. Yes, sir.

At least most of the people I have talked to. Now, maybe my sampling is not reliable, but I have confidence in it. I have confidence that the people I talked to represent—and I talk to them frequently because they do, in my judgment, represent—a wide spectrum of opinion. And they were able to give me their own views of what others feel.

Senator BARTLETT. Isn't that approach counter to the normal situation on a college campus?

Mr. Moore. Yes, sir.

Senator Bartlett. In other words, if you had a large department of engineering, the individual instructors or professors would be giving their own examination so that they might even give a different exam to different classes of their own.

Mr. Moore. Right. So much of what happens at the Military Academy is understandably a function of the fact that the people who compose the faculty and staff are active duty military officers. They tend to be concerned about matters which academic faculties, even at a place like the Naval Academy, which is 50 percent civilian, are not concerned about. Tremendous concern for uniformity of tests and uniformity of procedures. Everybody who is teaching in a course like this particular electrical engineering course, feels compelled to give—because their commander instructs them to give—the same exam. The reasoning tends to be that the fairest way to test a class is to subject the class to the same, exactly the same, exam.

Senator Bartlett. Do you think it is a good thing to do academically?

Mr. Moore. I do not.

Senator Bartlett. Do you think it is a good thing to do with an honor system?

Mr. Moore. I do not.

Senator Bartlett. How good is the quality of the academic instruction at West Point in your opinion?

Mr. Moore. It varies enormously from department to department. I think the most important observation to make about the academic faculty at West Point is that at the beginning of any one year, the average experience of 90 percent of the academic faculty is 1 year. Over a 3-year period, 90 percent of the faculty rotates out. That means that at the beginning of any academic year, a general ballpark figure for the average teaching experience for the academic faculty is 1 year. When you look at this particular exercise and the way it was administered, serious questions arise about the sensibleness of having that kind of an exercise. People who have been full-time teachers over a period of years would have seen obvious anomalies in this procedure that Army officers who came in from the field to do their tour of duty as teachers did not see.

Senator Bartlett. Do you feel that having a nonmilitary or partial nonmilitary faculty would create an improvement, all other things being equal?

Mr. Moore. I think the Military Academy would benefit substantially from having at least, say, 30 percent of their faculty who were civilians.

Senator Bartlett. You mean the cadets, from an academic point of view?

Mr. Moore. Right.

The Academy is vigorously opposed to any such notion. Their reasoning is that the Military Academy is in indoctrination and training center, and that it is difficult to sustain that effective indoctrination and training if you have teachers who are civilians. They also argue for the role model concept that the academic instructor should be an outstanding military instructor so that he will encourage the cadets to go into the Army on a full time basis. But one of the problems with the setup, is that the West Point faculty are rated on efficiency reports like everybody else in the Army. That efficiency report requires that academic faculty be rated for their potential as Army officers. So it is not at all uncommon for a West Point faculty member to be an outstanding teacher in academic circumstances—circumstances which are, ostensibly, his job—but, if his rating officer believes that he is not outstanding military officer material, he is compelled by the nature of the efficiency report to give him a poor rating. A poor rating despite the fact that he may be a superior teacher.

Now, what this leads to, obviously and understandably, is that academic faculty are frequently more conscious of military considerations than they are of academic considerations—because those considerations are the considerations that are rated on their efficency reports.

Senator NUNN. How can you demonstrate that you would be a good battlefield commander while you are teaching in a classroom?

Mr. MOORE. There is a comic irony here because the people who write those efficiency reports tend to be almost invariably permanent party at West Point. But they still feel compelled to make those ratings on the basis of their assessment of the kind of Army officer a person would make.

For instance, suppose you have an officer who is tentative, unclear about what the specific, definitive solution to a problem might be. He takes the cadets into the complexities of the problem and maybe he doesn't have a proper command presence in the classroom. But he elicits from the cadets a very involved intellectual response. The rating officer who observes that officer has to judge him on the basis of those characteristics—an appreciation for ambiguity and subtlety, some confusion about what the "right answer" to a problem might be—the rating officer is compelled to give him a poor efficiency report. He does so because those qualities in most military circumstances are not taken to be positive qualities.

I think that is a very serious problem and I am describing it in a way that I think is fair.

Senator BARTLETT. All right.

Many of us feel that a citizen soldier is a great addition to the military to provide a mix of professionals with citizen soldiers, and the citizen soldier bringing in the liberal arts background normally with him.

Would it be of value to West Point for there to be a significant portion of the faculty non-Army for the purpose of providing a nonmilitary point of view, a different academic approach, and would you feel that this would be better academically and better militarily for the cadet?

Mr. MOORE. There is no question that it would be better academically. I think it would be better militarily. But I don't expect there are many at West Point who would agree with me. I think it would be better militarily because it would increase the sophistication both of the military faculty as well as the cadets in understanding that there are different approaches to problems than a military person might tend to give. I don't mean to generalize out of hand about what is and is not characteristic of those people who are on active duty in the Army, but it is crucial to understand the kind of constraints that they work under. They know that they are being judged as instructors on the basis of their military bearing more frequently more than on the basis of their academic bearing. And another distinction is that civilian academics tend to be committed to their academic vocation, whereas the faculty at West Point understandably are not committed more than the 3-year tour to their particular academic specialization.

So they come in, do their tour of duty in the physics department, electrical engineering, history or English, and then they go back out into what they regard as the "real world"—the Army. And they go about their business without usually any particular reference to their years as academic faculty members at West Point, and this is 90 percent of the faculty.

Senator BARTLETT. What percentage would you say would be ideal for West Point to have of nonmilitary to military faculty, or nonmilitary to the entire faculty?

Mr. MOORE. In my own judgment, West Point could benefit from having a civilian faculty which constituted a third of their faculty, but there, Senator Bartlett, I can't emphasize enough what an anathema that idea is, and it has to do——

Senator BARTLETT. Anathema to the people concerned?

Mr. MOORE. Yes. It has to do with the kind of thing that has created problems for them in this EE304 controversy. They have the notion that they know best how to solve their own problems. They are convinced that they don't need outside input, and that the circumstances at West Point are so special that nobody other than a West Pointer could begin to understand about them.

There is, as I'm sure you are aware, an enormous mystique which surrounds West Point which at times can be very beneficial because it leads to an incredibly high esprit de corps frequently among the cadets and officers, but at other times it can be terribly detrimental.

Senator NUNN. Let me ask a question on this point here.

Senator BARTLETT. Yes.

Senator NUNN. Suppose you approach the problem from a different direction. Understand we are not talking about cheating, but we are talking about overall academic excellence at West Point or the lack of it. What if everybody who was commissioned in the military was simply placed on a competitive basis for tenure, so that after a 5-year period or a 6-year period they were all looked at alike and they were all competing?

Would this not instill some degree of competition in the Academy as it backed up and reflected the Academy education that does not exist today?

Mr. MOORE. Yes, sir, I think it well might, I think it well might.

The general feeling from people I talked to over the years is that West Pointers are very well-qualified because of their training, more so than their compatriots who are ROTC and OCS officers, for their initial years of Army service. But after their initial 3 to 5 years, in the view of many of the people I have talked to, it tends to somewhat even out.

And I think if West Point were held accountable for a more academically sophisticated environment, it would strengthen the institution. And the institution is remarkably responsive to missions it is given. They have an incredible capacity to rise to the occasion, and that is why I said in my testimony that I don't doubt for a minute the capacity of the military academy to straighten its current difficulties out, but there are great difficulties about their will to do it.

Senator Nunn. What period of time do you think the Academy graduates have an advantage over, say, ROTC graduates? Are you talking about the first 2 years, the first 3 years, the first 5, or what?

Mr. Moore. I would say probably the first 3 to 5 years. That is understandable given the intense socialization and indoctrination that they undergo. They are used to living under the kinds of pressures and the kinds of constraints which young first and second lieutenants have to live under.

Senator Nunn. Could you truly have a competitive system competing for tenure, say, if you made it after 5 years or 6 years, or is that too soon?

Mr. Moore. I don't see why it would be. I don't see why after six would be too soon at all.

Senator Nunn. Senator Bartlett, I have a good many questions. When you get to a good stopping point on yours, I'll ask a few, and we will switch back and forth.

Senator Bartlett. I have just a few to wind up the subject.

Would the nonmilitary faculty that you mentioned be full-time rather than just the 3 years?

I assume that you would have tenure as in a normal way, or how would they be structured as far as length of service?

Mr. Moore. Yes, sir, I think a portion could be tenured and a portion could be nontenured.

Senator Bartlett. Part of them could presumably stay there for their life's work.

Mr. Moore. Yes, sir, that would be a distinct possibility. That is, as you know, Senator Bartlett, the case at the Naval Academy.

Senator Bartlett. Yes.

Would the nonmilitary faculty situation you mentioned of being, constituting, say, a third of the faculty, be helpful to a well-run honor system in your opinion?

Mr. Moore. It's hard to say. I haven't thought very much about what effect that would have on the honor system. I think it would give more reality to a conception of the honor system which is very much needed. One of the features about this current controversy which is fairly obvious by now is how unrealistic in practical terms certain expectations were. It is a little bit startling that they weren't more apparent to West Point before this occurred, but I don't really think they were.

In the view of academy officials, it seemed reasonable to expect honor to be applicable whenever the Academy determined that it should be. And frequently people, such as Congressman Tip O'Neill in his commentary last week, were thunderstruck at the circumstances under which this particular EE 304 exam were given. He was incredulous, as many have been incredulous once they understand the actual circumstances. But few people at West Point prior to this time were at all dismayed by this testing pattern. They seemed oblivious of the operational difficulties of it. Even the cadets—and this is an interesting point—even the cadets who were caught up in this current controversy tended in some ways not to object to it all that much. They have developed their own way of dealing with it, and their own way of dealing with it was to cut corners when honor was invoked in circumstances of this sort. In their view, circumstances such as those surrounding the EE 304 exam were such a transparent absurdity that they cut corners without a particularly bad conscience about it.

Senator BARTLETT. There have been a lot of allegations that West Point does not offer the quality of academic instruction that it should.

How good is the quality, in your opinion, can you compare it with the other academies, if you can, or can you compare it to other schools, in other words, for the cost that goes into it, how good is the quality that comes out?

Mr. MOORE. I don't think the quality of the academic instruction at West Point is especially high. There is every reason to appreciate why it is not, because of the nature of the faculty situation. The faculty is 90 percent composed of people who go to graduate school on orders to develop a particular expertise in an academic discipline. Then they come to West Point to do their tour of duty, and then they go back to the Army without any particular reference to the fact that they spent a tour of duty as an academic instructor at West Point.

They are not, understandably, not committed in a long-range way to the academic discipline that they teach. So you have a faculty which is in many ways analogous of a junior college or community college faculty. Like West Point's faculty most have M.A. degrees. They don't have very sophisticated advanced training or a long-range commitment to their academic calling.

What West Point does accomplish, and it accomplishes this in part through academics, is that it helps cadets develop very efficient problem solving techniques which are particularly applicable to problems which can be broken down into increments and solved in an incremental way. But the academic sophistication that the cadets have is very slight in many respects. The courses are taught, as in fact that electrical engineering course was taught, in a kind of by the numbers way. The pattern of homework for electrical engineering was to give assigned study problems and have the cadets go through them before they came into class. In other words they collaborated with their classmates, and then they went into class and they were given essentially the same problem but some of the numbers were changed. They were taught in a kind of rote way. This is a traditional way of teaching in the military, and it pervades West Point.

Most of the departments teach off of lesson plans. Officers may be gathered together in one large group, and the procedures for academic instruction for that day are gone over. And, as I did, you go into the classroom and carry out the instruction you have received for that day.

Senator BARTLETT. Do any of the good academic institutions around the country teach that way?

Mr. MOORE. Not to my knowledge.

Senator BARTLETT. Among the faculty who would be military, the two-thirds, would you advocate that they still follow the same program of obtaining a graduate degree which I assume can be obtained in 2 or 3 years, on the average, and then teaching for 3 years, or would you suggest that part of that faculty have a more permanent nature, even though they are Army?

Mr. MOORE. Most of the permanent professors at West Point today have their Ph. D. degrees, but one of the ironies is that for the most part they are supervisors rather than actual teachers. They supervise what people with M.A.'s do.

Senator BARTLETT. Most of the teaching, then, is done by M.A.'s.

Mr. MOORE. Yes, sir, overwhelmingly.

Senator BARTLETT. And these are the ones that get their M.A. rather than their doctorate, and teach for 3 years and then they are gone.

Mr. MOORE. Yes, sir, that's right.

Senator BARTLETT. The ones that have doctorates do stay, is that correct?

Mr. MOORE. Yes, sir, but they are almost invariably in supervisory capacities.

Senator BARTLETT. What kind of mix do you think they should have to make an improvement among the military teachers, at West Point Army?

Mr. MOORE. A third of the people who are not permanent party should have their Ph. D. degrees, and even that wouldn't bring the comparison anywhere close to the Ph. D. faculty ratio at a decent civilian institution. The actual classroom teaching at places that West Point likes to compare itself with, Princeton, for instance, or Georgia Tech and other engineering schools, makes for an appalling comparison. The comparison is devastating. At Princeton, the academic instruction is not conducted 90-plus percent of the time by M.A.s.

It is a disparity which the Academy has never really had to come to terms with.

Senator BARTLETT. How does it compare with the Naval Academy?

Mr. MOORE. Navy is very different because 50 percent of the faculty are civilians, most of whom have their Ph. D.s.

Senator BARTLETT. How does the quality compare with Navy?

Mr. MOORE. It is almost impossible to make any detailed qualitative statement about the actual nature of instruction. One of the things that one can emphasize is the degree to which the credentials of the faculties are, or are not, analogous, and——

Senator BARTLETT. In other words, you are saying that the faculty at Annapolis would compare in approach more to the high quality institutions.

Mr. MOORE. Yes, sir. The academic faculty at the Naval Academy is vastly superior, insofar as academic credentials are concerned, to the faculty at West Point, or for that matter, to the Air Force Academy.

Senator BARTLETT. All things being equal, that would lead to a better result.

Mr. MOORE. Yes, sir.

Senator BARTLETT. Mr. Chairman, thank you.

Senator NUNN. Thank you, Senator Bartlett.

I want to ask you a couple of questions that relate to your book.

First of all, when was your book "School for Soldiers" written?

Mr. MOORE. It was written in 1973 and 1974.

Senator NUNN. Was it well before this particular current scandal broke out?

Mr. MOORE. Yes, sir.

Senator NUNN. Published before then, too?

Mr. MOORE. Yes, sir.

But we anticipated in that book the kind of situation arising which has in fact arisen, and we said very explicitly that it would probably occur.

Senator Nunn. That is what I wanted to go over with you here.

I want to read into the record some quotes and then ask you to comment on it.

In your book "School for Soldiers"* you state that the irregular outbreaks of organized cheating, which have plagued the Academy since World War II, are and I quote, "less a measure of cadet attitudes towards honor than of the pressurized Academy environment, the grade-oriented academic atmosphere, the multiselected courses in which the same test is given to morning and afternoon classes, the unwillingness of Academy officials to maintain the unpopular and easily circumvented testing procedures."

You go on to point out that the pressures and opportunities to cheat at West Point represent, and again I quote:

> An uncharacteristically liberal attitude * * * [which] has gone unnoticed in reports of these scandals. National attention has tended to focus on those features which provide a sensational contrast to the exaggerated moralistic rhetoric of some West Point officials. But if one begins with the assumption that mythology surrounding honor at West Point is based on unrealistic expectations, then there is little reason to find that the stories of organized cheating at the Academy are so scandalous. It has happened in the past; it will happen in the future. Most of the offenders will be caught. Many cadets who knew of the cheating rings but did not turn in the offenders will not be caught, even though they have also violated the "toleration clause" of the honor code.
>
> Some Academy officers in misguided efforts to protect the reputation of West Point will be less than candid with the press, so when the facts eventually become public knowledge the Academy will be susceptible to charges of a coverup. Some reporters will conclude that all cadets cheat regularly and that those caught in the scandal are unfortunate scapegoats, which is untrue. And spokesmen for the Academy will claim that all of the cadets not implicated in the scandal are archetypes of integrity, which is also untrue.
>
> Meanwhile, the important questions about the day to day operation of the honor system and the dominant cadet attitudes toward honor will go unasked and unanswered.

It sounds sort of prophetic.

Mr. Moore. Thank you.

Senator Nunn. What in your view are the important questions that should be asked and answered?

Mr. Moore. The most crucial question at present is: What was the nature of cadet experience in this one incident? In other words, what did the cadets feel and think? What were the pervasive attitudes that they held, and what, in fact, were their actions?

I doubt that we will ever have answers unless grants of immunity are given to certain cadets, and unless the Academy really makes an attempt to find out the answer.

At West Point last week, I was told that one of the charges that Col. Hal Rhyne had been given was to look into the causes of this particular incident. Although Colonel Rhyne's committee had been formed weeks ago, they have yet to hold their first meeting.

Senator Nunn. Well, if you were the Secretary of the Army right now and had complete authority to order the system to do whatever you wanted it to in this particular situation, what steps would you ask for?

Mr. Moore. I would first of all make it clear to the people in command at West Point that I really did want to know what happened. The Academy has not made a very good effort to address that problem. Even the committee that they themselves formed with Colonel Rhyne—

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*New York: Oxford University Press, 1974 pp. 182–191.

one of his official duties is to look into the causes of the honor violations—has not yet, according to what I was told last week, had its first formal meeting.

This shouldn't be surprising given the kind of statements many people at the Academy are prone to make. They tend to say: "Look, the only issue here is whether or not these cadets did or did not cheat." And Colonel Kirby in his comments to me constantly used the phrase "known cheaters."

Senator NUNN. All right, let's go on from there.

You are the Secretary of the Army again, and you now know what happened. I assume in your individual capacity and with your background, you pretty much know what happened.

Mr. MOORE. Yes, sir. I think I do.

Senator NUNN. Probably as nearly as anyone.

What then do you do about this malaise? What do you tell the system to do in order to deal with it now, now that you know what happened?

Mr. MOORE. The most distressing matter raised by your question is that there has been a tragic lack of leadership at the Academy in dealing with this malaise. What has happened in recent months is in some ways curiously analogous to the Nixon administration's response to Watergate. Some of the deficiencies and misdeeds of the West Point administration, if they had been frankly and candidly admitted from the outset, would have had far less of an impact that they subsequently have had. If the Academy officials had had the good judgment and the courage to acknowledge that the honor system was seriously deficient and to have accounted for it, this situation could have been different. Once the situation is honestly accounted for, it doesn't convey the scandalous, derogatory things that the press has conveyed. It is not inexplicable or shocking that cadets in these circumstances would collaborate. It is just not, in many respects, that damning a thing to have occurred, if you take into account the real life circumstances.

And, having said that, certain changes need to be made and should have been made and announced long ago. Most sensible observers recognize that the pattern of putting people on their honor in certain circumstances is extremely unwise. The Academy should announce that those patterns are no longer in effect and that faculty procedures of testing and other institutional procedures of arbitrarily testing one's honor have been corrected. The cadets involved were guilty of a serious offense, but their punishment should take into account the specific nature of their individual circumstances. For instance, the distinction between somebody who stole an exam and copies it, unbeknown to the person who——

Senator NUNN. You are saying in this set of circumstances the honor system should be changed, and changed quickly, in order to accommodate extenuating circumstances, in order to judge each individual case on its own merits, and in order to give flexible punishment, including expulsion for some and including less than expulsion for others, depending on the nature of the offense. Is that right?

Mr. MOORE. Yes, sir, but I have to say that the Secretary of the Army and General Berry and others have put themselves in a pretty terrible box. In their testimony before you and in other public statements, they have defined the situation in a very inaccurate way. They have tended to portray it as a situation in which some very unscrupulous and clearly dishonest cadets have committed some flagrant and heinous crime against the system, and that is just not the case.

And by not taking into account the obvious and apparent circumstantial evidence, they have created, ironically, a situation which discredits the Academy far more than the actual circumstances of the event discredit the Academy. That is one of the comic ironies of this matter, and hopefully public discussion such as the one we are having today might make it possible for the Academy to take some realistic remedial action rather than taking action premised on a misrepresentation of the facts.

Senator Nunn. What about the nontoleration clause? It is obvious you are for flexibility in sanctions and you are also for extenuating circumstances, not just set rules.

What about the nontoleration clause? Would you change the nontoleration clause in the honor system?

Mr. Moore. Although I went to school under two honor systems which didn't have formal toleration clauses, I think that some form of a toleration clause is sensible. It makes sense that under certain circumstances a cadet should be compelled to turn in certain types of honor violations. I don't have any particular problem with that.

I think that cadets should be held accountable for reporting clear instances of violations of lying, cheating, or stealing.

Senator Nunn. You believe in the honor code, then?

Mr. Moore. Yes, sir, I do.

Senator Nunn. As a system?

Mr. Moore. I do. I believe in the honor code as a concept. I believe in it as a goal which the cadets should be held accountable for trying to meet, but I think the system in its current form, as is fairly obvious right now, has some unfortunate deficiencies and that those deficiencies need to be corrected post haste.

Senator Nunn. One other quote from your book "School for Soldiers". You stated that the honor system in its current form is characterized by, and I quote:

> An insensitivity to the moral assumptions underlying established traditions of American jurisprudence. Constitutional guarantees of due process are intended to protect the individual rights, sometimes at the expense of conviction and at the cost of society. Most West Pointers and most military men see little sense in this system of priorities because they regard individual rights as derivative of and dependent upon society. It is far better, they reason, to mistakenly punish a few innocent cadets than to allow a greater number of guilty cadets to remain in the corps.

Now, this was well before the current situation. Would you elaborate on this statement as it pertains or does not pertain to the current situation?

Mr. Moore. The distinction that was made a lot during my recent West Point trip was the emphasis on known cheaters. Colonel Kirby asked me last week, "Is the United States prepared to see us hand diplomas and commissions to 'known cheaters?' Do you want a guy given a diploma who is a 'known cheat?' "

That is a pretty compelling question. I think the hard and honest answer to it is: What has he been charged with? Is the phrase "known cheat" really reflective of the nature of the offense? In what sense was cheating solicited by, or encouraged by, overwhelming situational circumstances?

What bothers me is that there is a tremendous compulsion at the Academy to say, "We have this problem under control because we are going to come up with a list of people who have been found guilty, and those people are going to be called known cheats. It is really irrelevant that there are other people in the corps of cadets who have cheated, because they are not known cheats."

That is a very tempting bureaucratic way to respond to the problem, but it is not responsive to the human beings involved. And most importantly, it is not conducive to the health of the institution.

Senator NUNN. Taking the other side of that just for purposes of discussion, at some point in any investigatory process, you have to separate the known from the unknown.

Mr. MOORE. That's right. But you can't literally do that.

Senator NUNN. For example, in any criminal proceeding, if you waited to try a burglar until you had all the known burglars, you would never have a trial.

Mr. MOORE. That's right.

Senator NUNN. Now, that is an absurdity to take the generalization that far, but certainly the Academy should pursue vigorously to make sure that all violators that can be known under reasonable investigatory procedures should be known.

Mr. MOORE. I don't think that they are following reasonable investigatory procedures.

Senator NUNN. You think they are limiting the scope of their investigation?

Mr. MOORE. Yes, sir. The testimony has been very strong to this effect, particularly last week in the forum which was sponsored by a number of Members of Congress. The Internal Review Panel calls itself an investigatory organization, but what it primarily does is receive evidence. Lawyers at West Point have been denied—by General Berry and others—what they regard as minimum assistance in conducting a proper investigation. And the testimony has been over and over again that under proper investigative procedures, 300 to 400 solid cases could be developed, and perhaps a potential for 600 solid cases of cheating on the EE 304 exam.

Senator NUNN. You are saying that prosecution should be full in scope and not limited in any way?

Mr. MOORE. Yes, sir, but it is limited. It is very specifically limited, because the Internal Review Panel is not equipped, by staff or by machinery to conduct an investigation.

Senator NUNN. I am going to ask for consent that, a memorandum we have from a prosecutor dated July 2—which has already been made public—to the Staff Judge Advocate and to the Superintendent of the U.S. Military Academy be made part of the record at this particular point. I also want to ask unanimous consent that a letter dated August 2, from some of the defense counsels involved in this case, requesting a convening of an impartial board of inquiry, also be made part of the record, without objection.

[The information follows:]

Subject: Investigation of allegations of cheating (EE 304 computer project).
Thru: Staff Judge Advocate, U.S. Military Academy, West Point, N.Y. 10996.
To: Superintendent, U.S. Military Academy, West Point, N.Y. 10996.

1. The right to nondiscriminatory administration of laws is a well-settled principle of American jurisprudence. It extends to every form of state and federal action, legislative, judicial, or executive. The landmark case in this area, *Vick Wo v. Hopkins*, held:

"Though the law itself be fair on its face and impartial in appearance, yet if it is applied and administered by public authority with an evil eye and an unequal hand, so as practically to make unjust and illegal discriminations between persons in similar circumstances, material to their rights, the denial of equal justice is still within the prohibition of the Constitution."

In layman's language, where there is an intentional or purposeful unequal treatment of individuals similarly situated, there may be a violation of one's Constitutional right to due process of law under the Fifth Amendment.

2. At this time, it seemingly appears the Government is not utilizing all available legal resources to insure that all known collaborators are exposed. Paragraph 68h, MCM, 1969 (Revised Edition) authorizes you as Convening Authority to grant criminal immunity for a violation of Article 133, cheating, as that Article may apply to any cadet who allegedly collaborated on the EE 304 Computer Project. The grant will preclude reasonable anticipation of criminal prosecution on the part of a witness, thereby allowing and compelling full disclosure of all relevant information. Although there is no right to violate the honor code, there is a right to equal treatment in its enforcement. The Government may be falling short of this mandate if it does not reasonably activate all existing legal resources available to it. A Government witness testified before a Board of Officers that it was his opinion that as many as four hundred cadets may have collaborated. Additional investigative "tools" are required to corroborate or dispel that testimony. As a representative of the Government, I perceive a denial of a general grant of immunity as a direct impediment to a thorough and comprehensive investigation of the EE 304 incident. It also serves as a means of gathering exculpatory evidence, needed to clear those respondents erroneously referrred, or those cadets not charged but encircled with an aura of suspicion and stigma. Finally, since there appears to be no legal rationale for failure to initiate a general policy of criminal immunity, one may draw an inference that there are other justifications which ultimately favor an avenue of selective enforcement. The Government should be prepared to defend an allegation of selective enforcement.

3. Several weeks ago, when asked to request any logistical support within reason, I suggested that it would be extremely helpful to have the assistance of a qualified polygraph expert to administer an examination of any willing participant. Although its results are not admissible unless pursuant to stipulation, if the test is administered properly by a competent expert, the probative value of the examination's findings will serve to expedite a fair and impartial investigation. Counsel for the Government are presently faced with lie detector findings, (administered by civilian firms) that are favorable to the cadet concerned. Verification of those findings by a Government expert is essential.

4. Recorders are in possession of six cases, involving thirteen cadets, that the IRP refuses to accept because there is no "new evidence" to support a reversal of the Honor Committee's findings of not guilty. Both Captain Bruce D. Sweeny, Department of Electrical Engineering, and myself agree that there is probable cause to believe that collaboration occurred in all six cases, and that the cases should be re-examined by appropriate authorities. It is interesting to note, that one of the cases in question involving two cadets, was disposed of by a finding of not guilty without calling Captain Sweeny who was the instructor of one of the cadets. Certainly his testimony, which was not considered before, would be considered "new evidence" if the case was re-heard by the Honor Committee. It is requested that the IRP be directed to hear these six cases.

——— ———,
CPT, JAGC, Recorder.

DEPARTMENT OF THE ARMY,
U.S. MILITARY ACADEMY,
West Point, N.Y., August 2, 1976.

Subject: Request for convening of impartial board of inquiry.
Thru:
Superintendent, U.S. Military Academy, West Point, N.Y. 10996.
Chief of Staff, U.S. Military Academy, West Point, N.Y. 10996.
Secretary of the Army, Department of the Army, Washington, D.C. 20310.
To: Secretary of Defense, Department of the Army, Washington, D.C. 20310.

1. The undersigned, detail counsel for approximately 130 cadets at the United States Military Academy presently charged with violations of the Cadet Honor Code, request that a complete and open inquiry be conducted, at Secretarial level or higher to investigate the nature and scope of problems within the West Point Honor and Academic Systems. We are convinced that circumstances at West Point demand and justify such an investigatory body being convened as soon as possible.

2. This request is substantially similar to a request made by ten defense counsel assigned to West Point on 3 May 1976 (see attachment) yet incorporates certain necessary changes warranted by interim events occurring at West Point. It is our opinion that the allegations enumerated in the 3 May 1976 request have been fully substantiated by those intervening events and now cause the very roots of the Honor and Academic Systems as they exist at West Point to be called into question. Sworn testimony by instructors in the Department of Electrical Engineering before Boards of Officers looking into these matters indicates that upwards of 400 cadets collaborated on the EE 304 take-home exam and that West Point is, at best, a second rate engineering school. Affidavits of cadets currently in the hands of respondents counsel directly support these assertions as well as isolate many other areas of concern such as: frequent and systematic cheating in other courses, constant violation of the toleration doctrine and other, more serious, matters. Testimony of cadets has indicated that in a substantial number of required courses procedures and memorization are emphasized to the exclusion of substance and theory thereby allowing cadets to maintain high grade averages while learning and retaining little or nothing of the course. These are not allegations newly raised at this time, yet, contrary to the Secretary of the Army's instructions in his earlier denial, they have not been acted upon to any significant degree.

3. At this juncture the precise scope of the problem cannot be defined. It is abundantly clear, however, that the present difficulty is not an isolated incident stemming from the administration of the EE 304 exam but rather the result of a festering sore within the system. Failure to discover and treat the cause of the problem will ultimately lead to a more deep set infection requiring more radical corrective measures. The cosmetic treatment applied by formation of the Internal Review Panel has inflamed both those cadets already pending charges as well as those fearful of being charged in the immediate future. The resulting polarization of cadets has forced many cadets to violate the Honor Code in order to survive and remain at West Point.

4. Failure to act now can only be interpreted as an obvious attempt to salvage the heretofore good name of the United States Military Academy at the expense of its most vital asset, the individual cadet. The suspension of the Honor Committee investigations, the substitution of inquisitorial Internal Review Panel Hearings, the absence of Constitutional protections and procedural safeguards, and the animosity and distrust among the cadets have all tended to undermine the morale and espirit de corps of the cadets. As Army officer and attorneys we cannot ethically or professionally support anything less than a complete and thorough search for the causes of the current dilemma at West Point. Nor can we support the inadequate and selective procedures employed by the United States Military Academy in purporting to investigate these matters. Only if the truth is found can the Honor Code rightfully be returned to the position of respect and faith it once enjoyed both within and without the Academy.

5. We therefore request that you convene, with all due speed, a panel of educators, administrators, and citizens, to determine the causes of the problems at West Point. The alternative must be continued chaos and the ultimate destruction of all that is good and productive within the United States Military Academy.

6. The urgency and importance of this request, both to the hundreds of young men involved and also the entire United States Army and American public, cannot be overstated. All that we ask is that the panel convened be truly fair and impartial, that it be convened at the highest possible level above that of the Superintendent, that it be convened without delay. Our request for a hearing before such a tribunal as requested is a carefully considered one. We seek only to impart to the investigatory process the basic tenets of American justice which have been previously lacking.

7. The Class of 1977 is expected to provide leadership and instruction to those classes that follow at West Point. They will also be expected to shoulder responsibilities as future Army officers and leaders in society. That being the case, the resolution of this matter in an expeditious, fair and above-board manner is in the best interest of everyone concerned. Your personal and careful attention to this request would be appreciated.

Paul L. Foster, Captain, JAGC, Counsel for Respondents; James L. Osgard, Captain, JAGC, Counsel for Respondents; Dominick J. Thomas, Captain, JAGC, Counsel for Respondents; Clarence M. Myer, Captain, JAGC, Counsel for Respondents; Sidney P. Alexander, Captain, JAGC, Counsel for Respondents; Stanley Brown, Captain, JAGC, Counsel for Respondents; Jefferson J. Davis, Captain, JAGC, Counsel for Respondents; James D. Earl, Captain, JAGC, Counsel for Respondents; Joseph R. Preston, Captain, JAGC, Counsel for Respondents; James L. Townsend, Captain, JAGC, Counsel for Respondents; Arthur F. Lincoln, Jr., Captain, JAGC, Counsel for Respondents; Thomas D. Fritz, Captain, JAGC, Counsel for Respondents; Leroy L. DeNooyer, Captain, JAGC, Counsel for Respondents; James M. Norton, Captain, JAGC, Counsel for Respondents; Frederic T. Brandt, Captain, JAGC, Counsel for Respondents; Frank Brunson, Jr., Captain, JAGC, Counsel for Respondents; Donald P. Desonier, Captain, JAGC, Counsel for Respondents; Jan Horbaly, Captain, JAGC, Counsel for Respondents; William B. Ramsey, Captain, JAGC, Counsel for Respondents; Joseph J. Noll, Captain, JAGC, Counsel for Respondents; Daniel H. Sharphorn, Captain, JAGC, Counsel for Respondents; James F. Lee, Jr., Captain, JAGC, Counsel for Respondents; Burk E. Bishop, Captain, JAGC, Counsel for Respondents; Martin J. Boyle, Captain, JAGC, Counsel for Respondents; David E. Brockway, Captain, JAGC, Counsel for Respondents; Peter E. Casey, Captain, JAGC, Counsel for Respondents; Brooks S. Doyle, Jr., Captain, JAGC, Counsel for Respondents; Larry Horton, Captain, JAGC, Counsel for Respondents; Samuel Sferrazza, Captain, JAGC, Counsel for Respondents; Andrew C. Olivc, Captain, JAGC, Counsel for Respondent.

Senator NUNN. I have other questions but we are going to run out of time.

What is the moral significance of cheating, at least as it is defined under the honor system in the context of daily cadet life at West Point?

Mr. MOORE. I think one of the most important aspects of the current controversy is that it has dramatized—and we talk about this at great length in "School for Soldiers"—that making the honor system applicable to so many aspects of cadet life undermines the degree to which cadets take the honor code and its injunctions and the honor system seriously. An example of this is EE 304 homework exercise. Because it was the particular kind of homework exercise it was, as opposed to a research paper or even a theme, it lessened cadet respect for the honor code and for the honor system. Although their inability to meet the test of their honor is in many respects regrettable, it is understandable that they weren't able to meet the test.

They were asked to complete an exercise without collaboration under the circumstances I have described. Putting people under that kind of pressure has the effect of cheapening the system and undermining the code. So that again we have an irony. The Academy is, at times its own worst enemy by undermining its own systems and its own principles.

Senator NUNN. Thank you very much, Dr. Moore. I will conclude my questioning at this point.

I do want to read into the record a letter that I mailed to Secretary Hoffmann today, relating to some of these matters we have been talking about:

> DEAR MR. SECRETARY: Testimony before the Manpower and Personnel Subcommittee relating to the present West Point cheating scandal has suggested that three necessary conditions for the honor system to work have been challenged:
>
> The first condition is for the honor code and honor system to remain in the corps of cadets. It would follow that while there must be adequate supervision of the corps by responsible officials, those officials should not supercede the Cadet Honor Committees. Charges have been made that the balance between the cadet operation of the honor system and the Army's supervision has shifted too far in the direction of the supervision. I would like you to look into this matter and provide the Subcommittee your views on whether the balance between cadet operation of the honor system and supervision of the cadets has shifted and what steps, if any, should be taken to redress it.
>
> The second condition is for the system to work in a fair and even-handed way. It would follow that direct and indirect interference or pressure by Army officials in the handling of honor cases or in steps to reform the honor system are basically inimical to the concept of the honor code and the honor system. Recent charges of intimidation of cadets and defense counsels are serious enough to warrant your immediate investigation. I would appreciate your reporting to the Subcommittee the results of your inquiry into this matter within the next several weeks.

This is not in the letter, but hopefully that reply will be here when we get back from recess which will be 2 weeks from today.

> The third condition is for the honor system to deal with all honor violations in a systematic and even-handed way. It would follow that some violations should not be investigated and adjudicated while others pass by without question. As you know, charges have been made that some honor violations are not being investigated, perhaps partly due to the volume of cases now pending. I would appreciate a monthly report from the Army, beginning on September 1, on the following items:
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> 1. The number, status and disposition of all honor violations currently pending before Boards of Officers and the Internal Review Board at West Point.
> 2. The status of all litigation pending before military and civil courts relating to honor violations at West Point.
> 3. The status and disposition of all allegations on honor violations which are pending investigation or action by the honor committee.
>
> Finally, the suggestion has been made that adjudication of the cases be permitted to continue but that the imposition of the penalty of expulsion upon those found guilty be held in abeyance until September when the Corps as a whole could by referendum determine what changes it would make in the honor system and whether those changes should be applied retroactively to the Class of 1977. I would appreciate your views on such a suggestion.
>
> Sincerely.

Senator NUNN. A copy was sent to General Weyand and a copy to Gen. Bernard Rogers. General Rogers is very concerned about these matters, and I understand, even though he won't take over until October, he will be pursuing them in the intervening period.

Senator NUNN. Senator Bartlett, I will turn it back over to you.

Senator BARTLETT. All right.

Dr. Moore, I would assume that you would not recommend that this committee become involved in individual cases.

Mr. MOORE. No, sir, I don't see any need for that.

Senator BARTLETT. From what you said, you indicate that you do not believe that the judgments being rendered are in all cases just.

Mr. MOORE. That is correct.

Senator BARTLETT. And in many cases are unjust.

Mr. MOORE. Yes.

Senator BARTLETT. And this revolves around mainly a narrow versus a broader interpretation of what is cheating.

Mr. MOORE. It's not so much a question, Senator Bartlett, of what is cheating. It is a question of whether or not extenuating circumstances are taken into account in rendering a judgment about the appropriate penalty for a particular cheating incident.

Senator BARTLETT. But isn't it also a matter of what is and whether the helping of sentence structure, as you mentioned——

Mr. MOORE. Yes, sir, in that particular case, very much so.

Senator BARTLETT. And I assume that you give some weight to the kind of exam given, the entrapment of cadets and so forth, in other words, all sort of lumped together, and should be addressed individually.

Mr. MOORE. I think so.

Senator BARTLETT. But certainly you favor giving the axe to a person who copies another person's work and represents it as his own.

Mr. MOORE. I would think in almost every conceivable circumstance that I would be in accord with you on that; yes, sir.

Senator BARTLETT. Blatant, for example. You are suggesting a multisanction approach, using extenuating circumstances and all conditions.

Mr. MOORE. Yes, sir. It is really a matter of just paying attention to the nature of what happened.

Senator BARTLETT. What my question is looking for is, how would this be brought about? In your answer I hope you will cover should this be a responsibility of the cadets to make this decision as to whether or not they would like these cases judged on a multisanction basis, or should this direction come from the Secretary of the Army, or should it come from the Commandant at West Point, or where should it come from, and in your opinion, what should this committee do, if anything, concerning the current cases.

Mr. MOORE. The most important thing that the committee can do is to continue to hold—continue to stay in business. And to continue to take an active and very specific interest in this matter. At some time it will be necessary for the committee to hear from the young men who were involved in this case. The Military Academy has a very curious notion, at times, that cadets are sort of perpetual adolescents who can't really be trusted to come before a committee such as this without prejudicing their own cases and otherwise creating havoc. Yet, on the other hand they turn around and describe them as young men, and now young women, being prepared to assume leadership roles in combat situations.

One of the things that should happen is that the cadets we have been discussing should have an opportunity to address this committee. This could be done right now without prejudicing the case of cadets under consideration for honor violations, because there are cadets willing to talk to this committee who are not involved in the EE 304 exercise.

Senator NUNN. You mean by that we could have cadets who were not involved come before the committee?

Mr. MOORE. Yes, sir.

Senator NUNN. You wouldn't recommend that we have cadets who have cases that have not been completed come before the committee?

Mr. MOORE. I don't see a reason for that. It would be reasonable for the committee to consider calling cadets who are not involved, particularly cadets who are not honor representatives. To bring before the committee, in other words, people of differing views about this problem and about what constitutes sensible responses to it. I am concerned that these men have not been given the opportunity to air their case more freely in public. I would like to see that courtesy extended to them and what I regard as a right to appear, extended to them.

Senator BARTLETT. You would suggest that this be done in public hearings?

Mr. MOORE. Yes, sir. I see no reason for not—we are talking about——

Senator NUNN. The problem is that most of the people who have contacted this committee are those who have cases pending.

Are you aware of others who would like to testify that do not have cases pending against them?

Mr. MOORE. I could supply you with a list of names of people who are in no way involved in this.

Senator NUNN. I think it would be very helpful if you did.

I have a great deal of skepticism about calling people, who do have cases pending before this committee because this then becomes the adjudicatory forum.

Mr. MOORE. I agree.

Senator BARTLETT. Wouldn't it be better if the committee was going to do this that it select these names at random just from those not involved?

Senator NUNN. Well, there are two thoughts there. I don't think there would be anything wrong with that. We might do that, but we should also find those who would like to appear. It is a little awkward for us to require people to appear that may not want to appear.

Senator BARTLETT. I would accept that, and it would seem to me we would be putting a responsibility on you to suggest certain names rather than to have us to communicate with the cadets broadly and ask who would like to testify, and in that way I think that would make it arm's length.

Senator NUNN. I think that would be very helpful.

If you will yield just a moment, I would like to get Dr. Moore's opinion on the difficulty with the nontoleration clause. If the cadets are not careful, they could violate and give evidence against themselves before this committee. If we were to begin asking them questions about cheating in general, and if they know of cheating that they haven't reported, then they have violated the nontoleration clause. And if they were not being represented by counsel in an appearance here, it would have to be very carefully handled.

Mr. MOORE. There would not be any particular problem with their having a counsel here. People like Captain Lincoln and Captain Sharphorn and others would be more than willing to serve in an advisory capacity to cadets. One of the mistakes that we are on the verge sometimes of making is underestimating the capacity of young West Point cadets, men and women, to represent themselves in a way that is not prejudicial to their own interests.

They are fully capable of coming before this committee and speaking in a way, particularly if they have counsel at their side, which would not under the nontoleration clause jeopardize them. There are issues which they are wise enough to know that they don't want to address. All they would have to say in such an instance is, "It would be inappropriate for me to get into that," or some other innocuous phrase which would keep them——

Senator Nunn. There was one case with the Assistant Secretary of the Army where that did occur.

Mr. Moore. That's right.

Senator Nunn. And one cadet has been, I believe——

Mr. Moore. Yes, sir, this is Cadet Timothy Ringgold.

Senator Nunn. I think that has to be addressed very carefully.

Mr. Moore. But there is a real difficulty which arises when we are thrashing out the fate of a lot of young men, many of whom are into their twenties, without giving them a chance to participate in the public dialog that is going on. That seems to me, after some point, unfortunate.

Senator Nunn. Well, again, now, you are talking about getting people who are not involved before the committee. Your problem would still lie with those who are not involved.

Mr. Moore. That's right, but I think to have their peers testify, to represent their point of view would be also helpful, an improvement. There are some cadets who have left the academy who were involved in this who are now gone from the academy, and they would be a potential source of——

Senator Nunn. I think it would be helpful to us if you could get us some of those names, and then the committee can meet and decide about a procedure if we decide to go along this line.

Senator Bartlett. It could very well be, too, that we might want to have part of the discussions in executive session because we might want to ask about toleration and certainly we are not trying to place them in a difficult position, you know, or in a compromising position, and it might be in the interests of the committee to have some idea of what those answers would be in executive session.

How do you get from here to where you want to go as far as processing these cases are concerned? Should this be an act of the Secretary of Defense, or Army, should it be a matter of direction from the Commandant, or should it come from the cadets, or a combination?

In other words, who decides to change the manner in which the cadets are now being adjudged?

Mr. Moore. The person who is most likely to be involved at this point is the Secretary of the Army, Mr. Hoffmann. By the end of this month, and certainly within a couple of months, Mr. Hoffmann will have all of the cases on his desk. There will be somewhere in the neighborhood of 100 cadets who will have been found guilty by the officer boards.

At that point he will have to render a judgment. Whether he elects to take into account extenuating circumstances, and how he elects to take those circumstances into account, is a matter with which he is going to have to deal.

One of the saddest parts of this whole affair is the degree to which positions have become so solidified, and the lines have been so clearly drawn. Realistically, I don't think there is any prospect that anybody at West Point is likely to depart dramatically from the traditional way of processing these cases.

In other words, it has been well established that West Point officials are not really in the business of conducting a proper investigation. I think it is unlikely that this will changed. And the feeling is: "All we are interested in addressing is, did they, or did they not, cheat?"

So it would appear that the Secretary of the Army, realistically speaking, is the person who is likely to have to come to terms, if anybody comes to terms, with the nature of the event itself.

Senator Bartlett. Now, from your book and from all you have said here, are you saying that this whole thing was predictable, and that the kind of environment in which the cadets' life is conducted, including the honor system, really would lead to this kind of situation such as the cheating.

Mr. Moore. Yes, sir.

Senator Bartlett. Do you believe that it is irresponsible of those in charge to have permitted this kind of environment to exist with this particular honor system and the way in which it is put into effect?

Mr. Moore. Yes, sir. The Buckley report—which you all have taken 2 days of testimony on—substantiates much of what you just said, in addition to what Professor Ellis and I have said in "School for Soldiers."

Senator Bartlett. All right, a specific question. Given the way the honor code works now, what are the chances of a cadet getting through 4 years at West Point without violating the code?

Mr. Moore. Almost none. Cadets are merely mortals, and mere mortals cannot, over a period of time, completely live up to the kind of ideals that the honor code specifically exhorts people to live up to. This is a fact that West Pointers curiously don't want to acknowledge. It is one of the mysteries in all of this that I am really still somewhat baffled by.

A Congressman said last week in the congressionally sponsored Honor Code Forum, that he had asked a friend of his who was a West Pointer if, in his 4 years at West Point, he ever lied, cheated, or stole. The West Pointer said, "No, never in all of that time" did he ever tell a lie, take anything that wasn't his, or ever in any way infringe upon the honor code. One of the things that seems to occur is that the longer people are away from West Point, the more romantic their notion of the code becomes. They recall having been more totally honorable than, in fact, commonsense and the actual circumstances of day-to-day life would seem to have allowed for.

Senator Bartlett. Sort of like a survey that was taken in my class at Princeton 10 years after graduation, that each classmate reported to the class secretary, and the data was then compiled and showed that three-quarters of the class said they were in the top one-quarter.

Mr. Moore. Yes, sir, that is very similar.

Senator Bartlett. Would you look at that article—are you familiar with it?

Mr. Moore. I am familiar with it but I haven't had a chance to read it closely.

Senator Bartlett. Are you familiar with the author?

Mr. Moore. Yes, sir.

Senator Bartlett. Are you familiar enough with the content of it to comment on it as to its accuracy?

Mr. Moore. This is an article by Lucien Truscott IV, who comes from a long line of West Pointers.

Senator Bartlett. You might give the name of the article and the publication just so it will make sense in the record.

Mr. Moore. This is Lucien Truscott IV's article entitled "Why West Point Cadets Cheated." It is in Harper's Weekly for August 9, 1976.

This article does raise some interesting questions about the nature of life at West Point on matters where the honor code and the honor system are involved. I might say that I was asked about the article by officials in the public relations office at West Point when I was there last week, and to reinforce your hunch that this article raises substantial issues, they were taking it seriously there.

Senator Bartlett. Were they looking into the allegations?

Mr. Moore. I'm not aware of whether they were or not.

Senator Bartlett. Are you knowledgeable on any of the allegations?

Mr. Moore. No, sir, I am not. But as I said earlier, and I think perhaps before you had occasion to join us today, much of what I am doing right now is a sort of ongoing investigation and research into this matter. A lot of things that we have talked about are matters that I report on today only in a very preliminary way. The situation is so fluid and there is so much yet to be known which we do not yet know.

Senator Bartlett. All right, thank you.

Senator Nunn. Dr. Moore, you have been very helpful to us. Let me make one thing clear for the record—you don't represent any of these cadets?

Mr. Moore. No, sir.

Senator Nunn. You have no stake in the current cases in any way except as an interested citizen?

Mr. Moore. That's right.

Senator Nunn. You have been extremely helpful, and I would hope that you would let staff as well as the Senators, stay in touch with you, so that we can continue to get your advice. We do intend to keep these hearings open. We do not intend to close the book.

Mr. Moore. I am very happy to hear that. Thank you, Senator.

Senator Nunn. Thank you very much.

Without objection the prepared statement of Walter B. Russell, Jr. will be inserted at this point in the hearing record.

PREPARED STATEMENT OF WALTER B. RUSSELL, JR., GEORGIA REPRESENTATIVE

It is an honor for me to be asked to submit testimony to Senator Nunn and this committee. I am a 1951 graduate of West Point and prior to being retired for wounds in 1966 served 15 years in the Army, including combat duty in two wars. I have had an opportunity to observe West Point and its graduates under varying and critical circumstances.

I am, therefore, more interested than most in the Committee's study of the West Point Honor System and the problems which have arisen in connection with it recently. As a third-term member of the Georgia House of Representatives, I also know the problems you face in this type of investigation.

I hope my remarks today, based upon that background, will be of some value to this Committee as it pursues its study and forms its conclusions.

There are, to say the least, widespread ramifications inherent in this situation. The numbers being reported in the media are surprising and, I hope, not true.

If as many cadets violated the honor code as the media is reporting, then it is quite obvious West Point no longer has the Honor Code it thought it did. I have always believed man must be tolerant of his own errors for none of us is a perfect specimen, and all of us, from time to time, stand in need of forgiveness and understanding.

However, in this situation, I must characterize myself as a hard liner. My belief is that the West Point cadets should be able to handle the Honor System and handle it basically in the manner in which it is presently established. After all, the Code has worked for 160 years, and some very fine men have lived within it and gone on to honor the academy and this country.

We live in a time where society lacks substance; where there are too often compromises instead of disciplines; too often leniency instead of sacrifice. It is hard to say this without sounding pious, but I believe honor is still honor; right is still right; wrong is still wrong. I have no wish to prosecute anyone harshly, unduly or unfairly, but when do we stop compromising with things such as the honor code?

When do we stop compromising our honor?

I must tell you in all candor that I am not in accord with the Secretary of the Army's decision on the cadets involved in the recent honor code violations. And I tell you still further that in particular I do not agree with the members of the United States Congress who have said publicly the Secretary was not lenient enough. If the great number of violators the news media is reporting actually broke the code, then, as I have said, realistically the code is in trouble. It seems to me the only way we can restore it is to expel the proven violators.

To expel a great number of cadets, perhaps as much as one-fifth of the class, is to inflict grievous wounds upon the academy. But, just as units which sustain severe casualties still fight on, so will West Point. And it will be cleaner and stronger for its strong stand. I don't know what percent of the Cadets Corps is involved. I am inclined to doubt it is as high as reported. But I say to this Committee that West Point, even if the figure be true, will not topple with the violators gone. No one has yet explained why the offenders should be let off. There have been instead scatter shot attacks on the system, the military, the academy itself.

It seems to me much more logical to examine the system instead of changing or doing away with the punishment. Perhaps the system of being compelled to inform on other cadets who violate the code should be changed. But should we change our aversion to lying and cheating by changing the punishment? I think not. I believe sincerely the majority of cadets think not.

We must realistically acknowledge West Point is basically training officers for combat, and we must train them in truth and honor, not leniency and deceit. Lying and cheating can be a tragic thing in combat. I have seen it. In Korea, in one instance I recall, an officer reported he had covered an area troops were waiting to move into. He had not done so, and when the troops moved up, they were caught in heavy fire with many resulting deaths.

When codes are violated without redress; when laws are broken with no accounting exacted, Americans ask themselves why have we stopped punishing crime? Society today is tinged with too much gray. Too much middle ground and compromise.

I say to you, there is room in our society for forgiveness of the honest error, the unfortunate offender. Certainly there always should be.

We are not convicting these young men of a felony and depriving them of their civil rights. A cadet expelled in 1951 went on to be the head coach and athletic director at a major college, so their future is not ruined by expulsion.

But I also say to you we need strong views about what is right and what is wrong. Criminals commit crime often because they believe society will not really punish them. Too often, they are absolutely correct. How can a strong honor code be re-established at West Point, if these violations are not treated in accordance with established rules? Things can't always be black and white, that is true. Circumstances might dictate mitigation. "Absolutes" are not always easily determined or maintained. But sometimes they must.

But is anyone sincerely contending no absolutes are possible; no codes are possible or liveable; no honor system can exist in our society today? I would hope not. I do not believe it to be the case at all. If the West Point Honor Code is to be changed, I believe the cadets should change it, not the Congress or the Secretary of the Army. A strict code, which hurts only those who break it, seems to me to be a strong need for all the academies.

Our cadets go into West Point knowing full well what is expected of them, and when they enter, they accept these conditions. Thousands of young men have accepted them and lived up to them. All cadets are thoroughly briefed on the code and the consequences of breaking it. If they do not like it, they are at liberty to resign. However, I want to emphasize my hard line is not against the violators but for the honor code.

I never had a personal problem with the Code when I was at West Point, though I sometimes feared I would see a good friend violate it. I wondered then, as I did later about combat, what I would do if I was ever faced with that decision. Perhaps things were less complicated in my day. We thought more in terms of black and white; less in gray and compromise.

My philosophies are not so locked in concrete that they can't change. I admit perhaps some things at West Point need re-examining but feel strongly that leniency and permissiveness have never proved adequate long-range solutions, no matter how humane they might seem at the moment.

Still, the feeling persists some solidarity is needed in the country; some rigid standards are good and deep down, people want them. I think the West Point Honor Code, basically in its present form, is essential if we are to have a stable officer corps; I shudder to think of what a free nation without such standards would risk.

[Whereupon, at 12:45 p.m., the subcommittee recessed subject to the call of the Chair.]

HONOR CODES AT THE SERVICE ACADEMIES

MONDAY, AUGUST 23, 1976

U.S. SENATE,
SUBCOMMITTEE ON MANPOWER AND PERSONNEL
OF THE COMMITTEE ON ARMED SERVICES,
Washington, D.C.

The subcommittee met, pursuant to notice, at 2:20 p.m., in room 1318, Dirksen Office Building, Senator Sam Nunn, chairman, presiding.

Present: Senators Nunn, Bartlett, and Stennis.

Also present: Francis J. Sullivan, Charles J. Conneely, Kenneth Fish, John Goldsmith, George Travers, professional staff members; Phyllis A. Bacon, assistant chief clerk; Louise Hoppe and Roberta Ujakovich, research assistants; Mary Shields, clerical assistant; Jeff Record, assistant to Senator Nunn; Charlie Stevenson, assistant to Senator Culver; Doug Racine, assistant to Senator Leahy; Fred Ruth, assistant to Senator Bartlett.

OPENING STATEMENT BY SENATOR SAM NUNN, CHAIRMAN

Senator NUNN. Secretary Hoffmann, Superintendent Berry, it is indeed a pleasure to have you before the subcommittee again today. We regret that we are getting started a little late this afternoon. We had a vote at 2 o'clock. I felt it was better to go ahead and vote rather than to be interrupted, although we may be interrupted later.

For some weeks, now, it has become increasingly apparent that a satisfactory resolution of the current cheating scandal at West Point, and of the numerous, complex and controversial issues which have been raised by the scandal required a decision at the Department of the Army level. The issue is no longer confined, as it once was, simply to a routine investigation of alleged cheating on an insignificant electrical engineering examination. Nor is the honor code at issue. The code, which states that "A cadet will not lie, cheat, or steal, or tolerate those who do," represents a set of moral injunctions as old as western civilization itself. What is at issue is the honor system—the manner in which the code is applied and enforced.

During the past few months, serious doubts have arisen as to the propriety of circumventing traditional cadet participation in the adjudication of cases connected with the current scandal.

During the past few months, ugly allegations have been made of deliberate use of command authority to influence those adjudications.

During the past few months, grave questions have emerged about the Academy's willingness to resolve the issues of whether cheating of the kind which took place on the examination has become commonplace at West Point, and whether the Academy itself may bear some of the responsibility for the apparent disintegration of the honor system.

During the past few months, it has become increasingly clear that public and congressional concern over the deteriorating situation at West Point was leading to a real crisis of confidence in the Academy.

Mr. Secretary, you and I have discussed these issues at some length during the past several weeks. On August 9, I wrote you a letter[1] in which I stated my concern over recent developments at West Point, and expressed my belief that a viable honor system could not survive unless it remained in the corps of cadets, was applied in a fair and evenhanded way, and was enforced systematically and thoroughly throughout the system. I also encouraged you to consider taking action that would not only resolve the current scandal in an equitable fashion, but also restore to West Point an honor system commanding the full support and respect of the corps of cadets. I know that any action you take will be subject to scrutiny and criticism. I think you have a very, very difficult decision to make. It is my understanding that you are prepared to announce various actions that you are going to take before this subcommittee today.

It is also my understanding that today's hearings are being broadcast live to members of the corps of cadets, who at this very moment are assembled in various locations on the West Point campus, the Eisenhower Auditorium, barracks, and classrooms.

We normally do not do this in this subcommittee or full committee. Because of the importance of having them informed on a firsthand basis, we have made this exception today.

I know you have your statement to make and so you proceed as you see fit and then we will have questions for you.

STATEMENT OF HON. MARTIN R. HOFFMANN, SECRETARY OF THE ARMY, ACCOMPANIED BY LT. GEN. SIDNEY B. BERRY, SUPERINTENDENT OF THE U.S. MILITARY ACADEMY

Mr. HOFFMANN. Thank you, Mr. Chairman, and may I say at the outset we appreciate the committee's ruling with respect to our request to relay the proceedings to West Point.

I am pleased to return to your subcommittee to testify on the West Point honor code and system and the EE–304 home study project. With me is Lt. Gen. Sidney B. Berry, the Superintendent of the U.S. Military Academy.

First, let me outline the status of the present cases at West Point that have arisen from the electrical engineering 304 home study project. A statistical summary is attached to my statement: 202 cases have been forwarded to the Superintendent, 25 of those were dismissed by the Superintendent. Of the balance of 177, 88 have been found to have violated the code by boards of officers; 44 have been exonerated by boards of officers; 12 have resigned; one has been separated for conduct; and 32 cases are presently pending.

Mr. Chairman, we have appended to this statistical summary the additional information that you requested in your letter of August 9 with respect to the number of cases under investigation by the Cadet Honor Committee and the status of the litigation affecting the electrical engineering study project situation.

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[1] See letter, p. 776.

In my previous appearance before this committee, I indicated that I felt the proper course of action at that time was to proceed to let the system function. I felt it was necessary to determine in the first instance whether a special disposition of these cases was warranted, and, if so, what the measure of that disposition should be.

My statement will deal with these two issues presently. Our hope has been that the situation could be resolved prior to the start of the next academic year so that, recognizing that an unusual situation existed, the proper address to the honor system could be made by the Corps of Cadets, and the staff and faculty, as appropriate, without an overbearing impact from lack of resolution of the 304 situation.

Accordingly, we have followed the testimony adduced by this subcommittee; letters from Members of Congress and others and information available from many sources have been carefully reviewed. We have been in close touch throughout this situation with Superintendent Berry and his staff there at the Military Academy. I have myself made several trips to West Point to talk with individuals and groups there who have knowledge of and perspectives on the situation.

Our attempt has been to assure proper disposition of the cases and to take the actions required to assure that forthright address to the overall health of the honor system could be made in the context of the new academic year. It is my hope that the decisions we have taken and the course of action we have initiated will be responsive to the situation that presently obtains.

Mr. Chairman, let me address the three conditions for a successful honor system which you suggested in your letter of August 9.

The first was that the honor code and the honor system must remain in the corps of cadets. We agree.

It is my belief that the corps of cadets perceives that the balance of the system has shifted away from, and that there is objective evidence that this is the case. The evolving application of standards of due process to the matter of separation of cadets from West Point is a matter of general knowledge. It is representative of similar evolution of the law in the society as a whole. It is not clear that these developments have been made a part of honor system instruction so that an understanding both of the source and the requirements of due process has become an integral part of the administration of the code. Accordingly, many of the corps feel that the imposition of legal procedures and requirement for boards of officers with attendant lawyers in addition to the honor committee process has resulted in a diminishing of honor committee and honor system influence.

Second, and concurrently with the foregoing, there has been an increasing number of cases where honor boards have made findings and the individual found to have violated the honor code is returned to the corps after proceedings by a board of officers.

There are a variety of reasons in the individual cases why this has occurred. But taken in sum they provide a perception that the importance and weight of honor committee findings have been diminished and that the decisive elements of the honor code have been assumed by the administration of the Academy.

I believe the honor committee, which is currently meeting at West Point, is addressing this problem and I know the staff of the Academy, headed by the Superintendent, is also giving this matter thoughtful address.

I believe that the nearly universal acknowledgement, emphasized by the EE 304 incident, that the corps must be fully seized with the code and have not only confidence in but full participation in the system helpful in redressing this balance. The solution to the problem will be found in adjustments to the system and reinforcement of the honor code provided by the honor committees as well as by actions that can be taken by the responsible officials at West Point to assure that the balance remains with the corps of cadets.

The second point in your August 9 letter dealt with the requirement for the system to work in a fair and even-handed way. I agree that undue interference or pressure by Army officials in honor matters are inimicable to the concept of a corps-based honor code and honor system. Having said that, it does not follow that the best consultative and advisory resources of the institution should not be freely available to members of the corps and the honor committees, and that a creative consultative relationship should not exist. I believe that it is this latter area that the communications between the staff and faculty on the one hand and the honor committee, and the corps on the other have not been fully satisfactory.

There have been in the recent history of the Academy differing policies with respect to address by members of the staff and faculty to the honor system and code which though designed to prevent undue interference or pressure or the appearance thereof, have contributed to a separation between the staff and faculty and the corps on honor related matters. These concerns have been discussed fully and while an immediate cure for this sort of dimension to the problem is not possible, I believe that over the next few weeks important steps will be taken to assure the vitality and legitimacy of the role of the staff and faculty on the one hand and the honor committees and the corps of cadets on the other, in the discussion and resolution of honor matters.

The recent charges of intimidation of cadets and defense counsel are indeed serious. I have had a special counsel from the Office of the General Counsel who has looked into these matters for me and is continuing an investigation of specific charges. I have had the opportunity to meet with a number of defense counsel and discuss this situation with them. I believe that in many cases the charges of coercion of defense counsel result from their honest perceptions that they have been pressured and that there may be objective events and circumstances that give substance to the charges. I do not believe that these are isolated cases but rather that they have arisen from a general background of disparity between the views of some of the defense counsel and others on the one hand and members of the administration on the other with respect to the general health of the honor system. I do not wish to oversimplify this situation and I repeat that individual cases will be rigorously pursued.

The third condition necessary for an effective honor system was that the honor system must deal with all violations in a systematic and evenhanded manner. There have been charges that some honor violations are not being investigated and that there are members of the corps as yet undetected who violated the honor code in working the electrical engineering 304 home study project.

It is extremely difficult to assess the actual number who are in this category. The estimates run anywhere from a few to 400 additional cadets who are involved. As the histories of all academies indicate, an honor system is severely challenged when the requirement is to investigate and resolve large-scale violations. We have attempted to pursue every lead and to give attention to any case alleged where there is any evidence to support the charge. It is my hope that continuing efforts together with the steps we plan to take with respect to this situation will permit a fair, evenhanded disposition.

Mr. Chairman, at the close of your letter you presented a suggestion that the adjudication of the cases be permitted to continue but the imposition of the penalty be held in abeyance until September when the corps as a whole could by referendum determine what changes it would make to the honor system.

This course of action has been urged upon us by a number of Members of Congress, and by others. We have given it careful consideration before deciding against such a course. The reasons therefore will emerge from the balance of my statement, but I would say in summary that the electrical engineering 304 situation is a complex one. Although the causative and contributive circumstances cannot be precisely defined and while we will gain perspective on them from later study, I do not believe I can avoid a responsibility to take action to resolve a broad-based and extraordinary situation.

To summarize what has been learned during the intervening period, I start with the conclusion that the corps as a whole supports the honor code. It has disparate views on the operation of the honor system and is in some state of uncertainty about the health of the honor system, particularly in view of the current situation.

We are presented with an extraordinary honor situation involving the surfacing of significant incidents of cheating in the context of a number of contributing events and circumstances. All concerned are agreed that there have been institutional shortcomings in communications, on honor matters as well as other matters within and without the corps of cadets and that this occurred in the context of confusion revolving around questions usually expressed as "who runs the honor system" or "who does the honor system belong to."

We believe that those who collaborated or cheated on this examination know that they were doing wrong in this particular circumstance. On the other hand, the infirmities in the administration of a take-home examination of this kind have subsequently been affirmed by the academic board. There has been, however, an erosion of effectiveness of the nontoleration concept of the honor code, partially through a lack of sufficient education, partially due to a decline in perceived importance of values relating to honor—including the linked concepts of duty and country—and partially because of the perceived severity of the single sanction, coupled with 2 years of mandatory active Army service.

The Academy recognizes that the environment within which the cadets were educated, oriented, disciplined, trained, and motivated was in some respects insufficiently supportive of strict adherence to the spirit of the honor code; and that imperfections in the operation of the honor system were in many instances sufficient to cast doubt on the importance, fairness, or impartiality essential to a code and system which demand and deserve unwavering and diligent support from every cadet in the corps.

In short, I believe the concept of the honor system remains fundamentally sound. But the seriousnessness of the situation in its many elements requires extraordinary address to assure that on the sound fundamental base that exists the full health of the system can be restored.

In view of the above, the following actions have been or will be taken:

1. A special advisory panel will be appointed with a broad charter to make an indepth assessment of the EE–304 situation and its underlying causes in the context of the honor code and system, and their place in the Military Academy. This advisory panel will be asked to evaluate the past, the present, and the future of honor at West Point in all its ramifications and in relationship to the corps and the institution as a whole.

Mr. Chairman, I am happy to be able to announce to you that Mr. Frank Borman, who is the president and chief executive officer of Eastern Airlines, has agreed to serve as the chairman of this panel.

2. The Superintendent recalled the honor committee to West Point from leave and detail on August 18. They have been in frequent session since and will continue in session until the start of the academic year. The purpose of these deliberations is to enable the honor committee to address the situation they will face in the upcoming year. Included in these discussions will be the question of a referendum on the modification of the mandatory sanction of expulsion.

3. The following series of actions pertain to those individuals who have violated the honor code in respect to the EE–304 home study project:

(*a*) Cadets who have violated the honor code in respect to the EE–304 home study project will be separated from the Military Academy. They will be allowed to apply next spring for readmission.

(*b*) There will be established at the start of the academic year a grace period of limited duration which cadet violators, including those heretofore undetected, may come forward, resign, and claim this special disposition of their cases.

(*c*) Cadets whose cases are pending may elect to continue those proceedings and if found in violation of the honor code may elect the above disposition of their case.

(*d*) The 2-year Active Army service will be waived in all the above cases.

4. As a matter of equity, all honor cases which arose during the past academic year and which resulted in separation will be reviewed upon petition or request.

5. A cadet who is eligible to apply for readmission will have a period of about a year in which to mature, reflect upon his desire for a military career, and to continue to demonstrate this potential for commissioning.

Ideally, this period would be spent as an enlisted man in the Active Army and arrangements will be made therefor. However, a cadet may elect a plan not involving active service which, if approved by the Superintendent and successfully carried out, should warrant readmission. Those who violated the honor code represent a wide range of apparent motivation, aptitude for commissioned service in the Army, self-discipline, and integrity. Criteria similar to those required for admission and commissioning will be used to identify those cadets potentially suited for eventual graduation from the U.S. Military Academy. The Army urges affected cadets to consider an enlisted service option, but in any case, will provide all assistance and counseling to any cadet who desires to reapply. It is the expectation of the Army that a large number of those who elect to apply for readmission will demonstrate their qualification to continue their careers in the Army.

6. The Superintendent has directed that the classes of 1977 and 1978 be reassigned to new companies in the corps. This is necessary because of the loss through honor violations of first classmen who are responsible for the operation of the companies, and to achieve a greater overall institutional awareness in addition to their company orientation. It is imperative that future Army officers recognize the obligation of duty, honor, and country, and that friendship need not and cannot insist on a higher order of obligation.

7. The academic board has reviewed procedures, and take-home projects similar to EE-304 will no longer be given.

Mr. Chairman, we believe these actions constitute extraordinary measures. These are taken in response to an extraordinary honor situation. I believe also that these actions are fair and equitable to the corps, to the institution, to the Army, and to the Congress, and to the American people.

I would indicate, Mr. Chairman, that the proposals that we have made, the plan of action on which we are embarked, has been reviewed by the Department of Defense Committee on Excellence in Education of which Deputy Secretary Clements is the Chairman. They are in full agreement with and support this proposal.

I should also say that the steps I have outlined represent decisions taken, but to the extent they will represent the solution to this problem there will be required the efforts of all of those in the Army and in support of the institution and all of those in the institution in opening to the possibility available for individuals to step forward and in effect for the institution and particularly the corps to have an opportunity to handle this problem.

I cannot emphasize strongly enough that, at no time did we consider that the code itself should be or is being changed or diluted in any respect—the code is timeless and enduring.

The overriding objective is to insure that West Point continues as the wellspring of the values of duty, honor, country that have and must characterize the profession of arms. West Point has been a flame of conscience for the officer corps, the Army, and the Nation, and it must so continue.

Mr. Chairman, we will be happy to have your questions.

Senator NUNN. Thank you, Mr. Secretary.

I would like to commend you for appearing before the committee today and being very frank and candid about your overall assessment of the problem. Your admission that the Academy itself bears some of the responsibility for the apparent disintegration of the honor system is a courageous one, although it will undoubtedly be questioned by many who believe that somehow our human institutions can escape the imperfections that confront human beings.

You also have admitted that the divisive elements of the system, in some cases, have been taken away, or at least the cadets have the perception they have been taken away by the administration. This admission, I think, breaks the ground for a return of the honor system to the corps of cadets at some early future point.

Also, your admission that cadets' support and respect for an honor system has declined during the past several years in my view is a requisite for its restoration. I believe you have set an example at the top, although I want to question you about a good many of the specifics. I think you have set an example at the top that hopefully will serve as an example all the way, not only through West Point but also through the Army itself. I also believe the other academies can benefit greatly by some of the problems that are now confronting West Point and also by the leadership you have displayed.

I know what you have admitted here today—some of which has been carefully couched in precise language—is a real step toward correcting many of the problems that are not just a result of this episode but perhaps permeated the system for some time.

We have Senator Bartlett here and Senator Stennis. We are delighted the chairman could join us today.

Before I get into questions, and I have many of them, I would like to ask either of them if they would like to make any kind of statement. They weren't here when we opened, but if they have any kind of an opening statement or any reaction to your statement.

I will ask Senator Stennis first if he has any observations he would like to make.

Chairman STENNIS. Thank you, Mr. Chairman. I will yield to Senator Bartlett. I am here because I, too, am concerned. I have been pleased with what I have heard come from Secretary Hoffmann here, but I want to be a visitor. You proceed in your own way. I thank you.

Senator NUNN. Well, I know you followed this and you and I have discussed it a good many times. I appreciate very much your being with us. At any point you want to interject opinions or questions, feel free to participate.

I might also add Senator Bartlett is on the Board of Visitors at West Point and has taken a very great interest in these hearings. He and I have discussed it a good many times. He has just attended a meeting there, so I am very grateful to you for your participation and deep interest in the Academy and also the honor code.

Senator BARTLETT. I thank the Chairman very much.

I appreciate the appearance today of Secretary Hoffmann and General Berry. I think this will be very helpful in evaluating some of the problems that exist in the situation that I find very perplexing.

As you know, Mr. Chairman, I am a member, as you said, of the Board of Visitors of West Point as well as this subcommittee. One point I think is important is, where does the responsibility lie for the system; that is the continuance of it from year to year? I feel that it lies, to a great extent, with the officers at West Point rather than with the cadets.

I feel that on the one hand it isn't clear how the honor system itself can be changed, and so I think that there is a great share of responsibility lying with the officers of West Point.

It has appeared to me listening to the testimony before this committee as well as in private conversations that the single most critical problem to be faced and dealt with at West Point today is the rigidity of the honor system and the fact that some discretion must be exercised in dealing with honor code violations. I am concerned that you may not have addressed this issue, Mr. Secretary, as clearly as you might in your prepared testimony.

For example, Mr. Secretary, we have had overwhelming testimony before this committee to the effect that single sanction provisions in an honor code do not provide the discretion necessary for justice to prevail with a series of alleged violations.

If that is the case, then the present system which has single sanction rigidity would not lend itself to fairness and justice in the current honor system controversy.

So that leads to the question as to should there be some discretion provided by your office to the honor committees, to the Superintendent, to the Review Board?

We have had testimony that the honor system works if they have, and only if they have, overwhelming support of the students, or in this case the cadets. I think that this is a matter that should be given attention by you as you proceed.

It appears to me also that the system itself is self-destructive. What I mean by that is, it tends to force those cadets who may be most honorable and, therefore, desirable out of the corps under the rigidity of the system.

What I am referring to is if one cadet lied to another cadet that he had shined his shoes when he had not, it doesn't lend itself to a repentant cadet to go back to the other one and say, "Well, I lied," because that would, I assume, result in expulsion.

So I would appreciate your comments on that part of it.

Mr. Hoffmann. Senator Bartlett, let me at the outset indicate our appreciation for the thoughtful letter that was transmitted to us a couple of weeks ago. I would indicate to you that I have passed both of those letters along through General Berry to the members of the honor committee so they can have the benefit of those suggestions.

With respect to your first point, the continuity of the system, I would like to have General Berry comment on this. I think perhaps the continuity of the system does depend on the officers and the staff for continuity. This is not to say that the code and system are not passed from one class down to the next in terms of instructional materials, in terms of ideas, and in some cases passed information about handling of the code during the previous year.

From my own discussions with several members of the honor committee that they have indicated their awareness that this transitional process may have been somewhat insufficient in the past in terms of giving them not only the fullest possible history but feel for the code as it has operated and as it has revolved over the succession of years. So I think that that will be addressed by the honor committee as they meet.

With respect to your observations as to the flexibility in the system and the need for a measure of discretion, as I indicated in my statement, the honor committee is presently meeting at West Point. They are deliberating as to whether or not to submit this matter to the corps for a determination by the corps as to whether it wishes to change the present single sanction, and they will if they determine to submit a proposal to the corps fashion that proposal. They are discussing this among the committee now. They have not yet reached a final determination on these two matters and they will be reporting to the Superintendent at such time as they have reached a resolution of those matters.

I think your point about the overwhelming confidence that is necessary illustrates one of the problems with the instant case. On the one hand you have a large majority of the corps and individual cadets who are very strongly supportive and aware of the honor code and the honor concept who are amazed at this development. On the other hand there are a number of cadets who have in ways both flagrantly and subtlely violated the honor code with respect to this examination under the heading of your notion of pervasiveness not only are there questions with respect to the adequacy of the health of the system as expressed in a broad atmosphere encompassing with the fullest sense of the honor and spirit of the code, but there is a question as well of depth. Many of the circumstances which I have cited will be looked into by the blue ribbon panel that we have selected and they too, will indicate degrees of contribution or lack of contribution to that overall situation.

Your final point that the system seems to operate to the detriment of the best cadets, I would ask General Berry to comment on all of these. I think it is true that to the extent, particularly with the toleration clause of the code, that this puts a premium on individual initiative, individual responsibility, for the policing of the code.

I have heard it said by cadets that this is the element of the code that makes the code the corps' own code because it is self-policing. I think there is the impression in times when the adherence to the code, the enthusiasm for the code and the extent to which the corps is seized with the code—when these are on the wane it appears that the individual who has met his conscience, wrestled inside himself and decided to come forward and disclose his violation, may receive a penalty which appears inordinate when there are others who have not responded under the code as he has.

Now, if General Berry would like to comment.

General BERRY. Senator Bartlett, let me comment on two parts of your question, the responsibility for continuity of the honor system and your comments about the possibility that the system is self-destructive.

The corps of cadets has the major responsibility for the continuity of the honor system. There is, however, a shared responsibility by the administration from the Superintendent down through the last tactical officer and the numbers of the staff and faculty. It is the cadets themselves who as they pass their knowledge, their lore, from one class to another, and as they indoctrinate succeeding classes, educate them in the honor system and code, there is a continuity.

The officers provide the environment, hopefully a beneficial supportive environment, to permit the corps to have the major share of the responsibility, the basic responsibility for the code.

Frankly, one of our shortcomings in recent years has been that the continuity has not been well organized enough in passing from one class to the succeeding class. That is one of the findings of the special study of 1974–75, the so-called Buckley report, some of whose members were here before you. We already have taken steps to strengthen the passing of the continuity to strengthen the system within the cadet honor committee for changes, and let me comment that one of the reasons why the officers have been reluctant to perhaps carry their full share of the responsibility for the continuity is a reluctance to be perceived as taking the code or the system from the cadets themselves.

On the second point of self-destructiveness of the system, I think that deals largely with the single sanction. I believe that the Secretary has mentioned that the honor committee right now is debating that and discussing that and determining whether or not they are going forward to the corps of cadets with a referendum.

Senator Bartlett. Mr. Chairman, if I might I had a little more in my opening statement.

Senator Nunn. Go ahead and finish that and we will go back by the 10-minute rule.

Senator Bartlett. I would like to compliment the Secretary for becoming involved with this controversy and for his meeting with the cadets, the honor committee at West Point, and I am certainly pleased to learn of the cadets considering a referendum on a matter of multisanction or single sanction because I think the question of the responsibility of the cadets to this system is a question that should be dealt with as to whether their responsibility has been eroded.

I would like to read just three paragraphs from my letter to you because I think this is what summarizes its contents. The third and second from the last paragraphs on page 4. I said:

> I ask you, Mr. Secretary, can justice prevail in a system not supported by the majority of the cadets, nor created by all the cadets, nor totally administered by the cadets, and that is considered unworkable by virtually all knowledgeable people?
>
> Creating a just honor system for the future does not provide justice for the present.
>
> It is my opinion that both the cadets at West Point and the Army officers charged with its operation share in the responsibility of the failure and demise of the present Honor System. You as Secretary of the Army are charged with the ultimate responsibility that out of the current controversy justice will prevail now and have a good prospect of prevailing in the future. In my opinion, you cannot fulfill your responsibility without intervening in the controversy at West Point.

You have done that. You have intervened and I am very pleased that you have.

Mr. Chairman, I would like to make very briefly one additional comment, that I am concerned also by the academic environment at the Academy. I have been surprised to learn that this institution of higher learning has a majority of its faculty with a level of teaching experience of 1 year. This situation can be corrected, Mr. Secretary, by you. I believe that a faculty consisting of at least 30 percent civilians with teaching as their full-time profession would provide a very important component to the faculty at West Point.

Mr. Chairman, I thank you very much and, Mr. Secretary and General Berry, I thank you.

Senator Nunn. Mr. Secretary, would you like to respond to that particular point?

Mr. Hoffmann. Let me respond briefly if I may.

The Committee on Excellence in Education of the Department of Defense which is charged by Mr. Clements has been undertaking a review of all of the academies with respect to the academic side.

The questions of the mix of civilians versus military, questions of tenure and a number of these matters, are under consideration by that committee and they are receiving overview.

In the case of West Point I would ask General Berry to comment from his knowledge of not only how it works but how it is regarded, but I would say that we are getting a salutary result to date in terms of the energy, knowledge and ability to relate by the instructors, again teaching at the college level and in being able to select men of outstanding records in the Army. The Army dimension is presented throughout the instruction that they give and this has been one of the aspects of academic process at West Point that has made West Point an outstanding institution.

General Berry.

General **Berry**. Senator Bartlett, the teaching faculty at West Point, the academic faculty, is about 96 percent military. As the Secretary pointed out, ours is an undergraduate college level of education and the purpose of the Military Academy, as you well know, is to develop regular officers for the U.S. Army.

Of these 96 percent military faculty members, about 12 percent, 11 or 12 percent are permanent or tenured faculty members. These are the ones who are the heads of the department, the associate permanent professors, that provide the continuity and the academic disciplines that they represent. The bulk of the teaching faculty are line officers of the Army who have on the average 5 to 8 years service in the Army, and the distinguished service officers are sent to top quality graduate schools, on the average for 2 years, where they have training in whatever discipline they are going to teach.

Then their assignment at the Military Academy as a teacher is 3 to 4 years on the average. Each decade the Middle States Association of Colleges and Secondary Schools validates our academic accreditation as it does those of other schools and universities. The last accreditation was in 1969, and that accreditation group gave extremely high marks to the Military Academy's academic faculty on the quality of their teaching, the effectiveness of their teaching, and the communication with the students in the classroom.

We do augment the academic faculty by bringing in select distinguished visiting professors who add that quality both to the faculty and to the classroom.

I might comment that after 1 year of combat service in Korea, in 1950 and 1951, I attended Columbia University for 2 years, received a masters degree in international relations and in history, then taught history at the Military Academy for 3 years.

Frankly, I think I was a pretty effective teacher and I know that I was a far more effective Army officer for what I had learned in the classroom both in Columbia and there at the Military Academy.

But as the Secretary says, this has been a subject of examination by the Defense Department Committee on Excellence in Education.

Senator **Nunn**. Mr. Secretary, I think the question of command influence or pressure as to the defense counsel is a very important question, and one I raised with you. In your statement you say you believe in many cases the charges of coercion of defense counsel result from their honest perceptions that they have been pressured and that there may be objective events and circumstances that give substance to the charges.

Then you also make reference to, and I quote "general disparity between the views of some of the defense counsel and members of the administration with respect to the general health of the honor system."

You made also a statement you are looking into it. What I would like to know is, have you found that the defense counsels have been coerced at West Point?

Mr. HOFFMANN. There are several who feel they have been. Again my statement here is designed to outline the following, and if I may I will expand on this a little bit including some examples.

There are some of the lawyers at West Point who are instructors, who have early held the view that the due process protections afforded by the system are not adequate, that due process should be in the honor system to a greater degree than they are, and they have been quite vocal in expressing these views to the corps of cadets and to the administration.

In the context of some complex cases that have come up and become controversial there have been in some instances—they tell me, and I have some confirmatory evidence—encouraged not to take sides or to discuss the case.

In other words, they feel they have been prohibited from freely discussing these cases in class with students who ask them questions. This is an instance where the situation of implied coercion arose from their having been forbade to discuss the case and they were at that time defense counsel, so that they felt they were being pressured and they are being pressured in respect to their discourse and ability to discuss this with the cadets because they were defense counsel and because they held a view that was contrary to the view held by the administration.

In my discussions with the defense counsel they recognized their obligation as a lawyer, that they are officers of the proceedings, as a lawyer is an officer of the court. They have a very real interest, which they have expressed to me, in improving the system and insuring we have a healthy system at West Point.

Given the disparity and in some cases the difficulties in communication, situations arose where well-meaning people differed. In actions that followed, the defense counsel, felt a degree of coercion implied by the administration. On the other hand, the administration in some cases felt that the defense counsel were going outside of proper limits in commentary on the honor system and on matters, and that those were not constructive in content.

I think the balance lies somewhere between the two. When I say these incidents occurred in the context of the overall situation we are addressing, they have their roots in the dichotomy between those who felt the system was in some trouble and a greater effort should be made to do something about it, and the administration who thought, the process was working.

Senator NUNN. I would like to ask you specifically, about allegations that there have been reassignments and bad efficiency reports in the case of some defense counsels, and, I believe, one even made the allegation that there had been denial of promotion that would otherwise have taken place. This goes far beyond the difference in emphasis. This gets down to the specific allegations of misconduct on the part of some officers in the U.S. Army.

Mr. **Hoffmann**. That is correct.

First with respect to the allegations that there were attempted reassignments. There were two cases that I am aware of where that arose as an immediate issue. One was in the case of an individual who had finished his normal tour of 3 years at West Point and applied for an extension to stay there. This was denied in normal course, feeling that his development would be better served by his going to the field. However, that decision when it leaked out of the building had not taken into account his duties at the time as a defense counsel. We had independently stated that regardless of assignment policies or other imperatives that those who had cases and were representing individuals before the honor process would be allowed to remain, and this individual was allowed to remain.

Now, again I think an individual who felt he was under pressure and in an unpopular position with respect to the overall institution might infer from that that the institution was trying to switch him out of there because he was a troublemaker or something. I don't honestly believe that happened.

Senator **Nunn**. You say there were two cases of reassignment?

Mr. **Hoffmann**. There was another case in which an individual was selected by a board to attend I believe the advanced course for lawyers at Charlottsville. He indicated that he did not wish to attend that course. I am still looking into the details of what followed. But embraced in the situation were considerations of whether or not he could attend the course the next year so that he could continue his defense representation at the Academy, or whether by forfeiting that chance he would lose his option to go next year. I am looking into that. I discussed it even last night while I was at the Academy. I believe the intention there was and should be he has been selected as an officer who has earned attendance at that course and he should be allowed to go. I haven't had a chance to discusss that situation with him following my conversation last evening.

Senator **Nunn**. What about the bad efficiency reports that are alleged and also the denial of promotion? Have you looked into those cases?

Mr. **Hoffmann**. The efficiency report question I did look into. The efficiency report itself I believe was not a detrimental efficiency report. There was comment attached to the report by an overseeing officer who was allowed to do that which stated that in his judgment in respect to certain bounds that the attorney in question went ouside of professional bounds in discussing and commenting on cases and individuals. I am looking into that situation as well, based on my belief that it arose in the context of the circumstances I have outlined here today. My hope is to look into that situation thoroughly and assure that there is no prejudice to that officer by reason of that report that is not justified by the circumstances.

Senator **Nunn**. If you do find duress or undue influence on defense counsel by the Army, what actions will you take?

Mr. **Hoffmann**. I will take action to redress the situation.

Senator **Nunn**. What are the penalties provided in Army regulations for this kind of action? Are there any violations of law involved?

Mr. **Hoffmann**. I would have to check on that. I am sure that the regulations cover the situation. I am not sure about the violations of law. Again, looking at the substance of what was said and what was contained in that efficiency report, I am not sure it fell without the bound of what I am talking about. I am sure it was malicious. Whether or not it comported with the situation as it is now developed and comports with the underlying facts of the situation as we know them I will look into it and make a disposition based on all those facts.

Senator **Nunn**. Superintendent Berry, do you want to comment on any of these allegations?

General **Berry**. Yes, sir, I would like to.

First, I will state unequivocally that I, as Superintendent, have exerted no command influence or undue pressure on any of the counsel. I have been keenly conscious that command influence is totally out of order in any command that I exercise or any other command in the Army.

As one who has been in the personnel business let me add a bit to the Secretary's comments about those two assignments. For lawyers there is centralized assignment from the Department of the Army and those of us in the field do not know what is going to happen to the lawyers in our command. That is something that emanates from the Department of the Army.

Regarding the one lawyer whose reassignment was announced early in the spring, I think, frankly I was infuriated because it came at such a sensitive time and I knew full well what allegations would follow. You have the different levels of the bureaucracy operating the reassignment level, operating without knowledge of any sensitivity to what was happening out on the battle front.

Another one was the officer whose assignment in question to the advanced JAG course. This is the situation. Annually a list of officers is examined by boards to determine who goes to the advanced courses. There is a primary list and then there is an alternate list. For various reasons people fall out of the primary list: resignation, illnesses, other reasons. Therefore, it is necessary to move people up from the alternate list so that the Army can fill up its school quotas.

The particular officer assigned to the Military Academy, again we have the different levels of bureaucracy working, at a time when the principals had fallen out, was contacted to see if he wanted to go to the Judge Advocate General advanced course after 2 years of his assignment at West Point. And I believe that he said no to that. That again I think was perceived as perhaps something that had been arranged because of his involvement in the EE-304 situation, which was not the case at all.

Senator **Nunn**. Mr. Secretary, turning to another line of questioning, I believe you stated that the honor committee is now meeting and that the honor committee will in all likelihood—depending on their own choice, I assume—propose certain matters for referendum by the corps of cadets.

Mr. **Hoffmann**. I tried not to ascribe any predictions as to what they would or would not do.

Senator **Nunn**. Is that one of their options? Does the honor committee have the option of proposing possible questions for the corps of cadets in the fall when they get back?

Mr. **Hoffmann**. They have that option. It is that option they are seriously considering as well as alternative forms of modification to the single sanction that they might propose. They are going forward on both of those, as I understand it, in discussing it with them. They have not reached a final decision as a body as to whether they will recommend and what they will recommend.

Senator **Nunn**. You, as Secretary of the Army, do not propose then that there be certain questions on the referendum in the fall? You think that is the job of the honor committee to make this determination.

Mr. **Hoffmann**. I think that is their job, their responsibility, and their prerogative in the first instance.

Now, they have asked me how I felt and I have told them I feel a measure of discretion in the system would give them a better system and I have explained why.

I have also pointed out to them that those are my views and that they should have a crack at that decision. As you will recall, last year there was a referendum submitted to the corps by the honor committees. The honor committees had determined that a two-thirds vote should be required to change that provision of the system and the vote when tallied was 54.6 percent affirmative for a concept of discretion in mitigation of that single sanction. Because of the two-thirds requirement it did not pass.

Since that time and since the taking of that vote I think the committee has had the experience of the EE–304 incident and had also the chance to study the honor system more fully. They have the Buckley study. They are deliberating as to whether they should again put a referendum before the corps.

Senator **Nunn**. Let me pose this question for you.

Let's assume first of all, that you have given some measure of discretion here for the first time by saying that those cadets that had any kind of violation of the honor system, that have been expelled between academic year 1976 and the present time, will be given a measure of discretion in that they will be allowed to reapply to the Academy next fall. That is correct?

Mr. **Hoffmann**. They will be allowed to reapply but they will be separated from the Academy upon resignation for honor violations.

Senator **Nunn**. To the extent that that represents a measure of discretion or flexibility in the system, and as to the extent that has been decided at the Secretary of the Army level, suppose the corps of cadets disagreed with that decision. Suppose that was put on the referendum in the fall, as to whether they should be allowed to reapply. What would be your attitude toward that kind of question, particularly if it was answered in the negative by the corps of cadets?

Mr. **Hoffmann**. Senator, I have never considered there might be a referendum on the actions we are taking today and I would not want to speculate what would occur in such eventuality which I regard as quite unlikely.

One of the thrusts of the steps we are taking today is to try to mitigate to some extent the effects of an individual coming forward and owning up to his responsibilities under the code. The 2-year provision we feel in the past has to some extent inhibited not only the choice by individuals to come forward but has had a discouraging effect on the effectiveness of the nontoleration provision. In this case it is my feeling that fairness as well as moving toward those individuals and giving them an opportunity to make a choice without being fettered by this 2-year constraint is a wise thing to do in an effort to get a greater degree of resolution to the EE–304 situation.

Senator **Nunn**. You are saying this is an unusual case and an unusual circumstance, and only on that basis do you think the Secretary of the Army should intervene?

Mr. **Hoffmann**. Yes, sir.

Senator **Nunn**. You do not intend this to be precedent in the future?

Mr. **Hoffmann**. I would hope we would not have another situation like this in the future and I do not intend it to be a precedent to future action.

Senator **Nunn**. Would it be fair to say the facts speak for themselves, that the nontoleration clause is not working? You have 200 people suspected of violations but I think there have been very, very few cases in all of these where any cadets have turned another cadet in.

Mr. **Hoffmann**. There have been a few cases and I think it casts doubt as to the universality of acceptance of the nontoleration provision. The Buckley study and some of the surveys that they did indicated or developed some indicators that this might be the case. And I think it is.

You will recall the discussions that we had in our earlier hearings, the competition between and the ethic that you don't tattletale on your friend as opposed to the ethic that you undertake responsibilities to the institution. I think the honor system, the honor concept is somewhat fragile. It is fragile to a degree out of proportion to the apparent significance of some of the institutional facets as well as events that have a bearing on it. That is a conclusion that I would draw, not that it has become ineffective, but that it has not been as pervasive in its application to the corps as the system needs to achieve the thorough degree of effectiveness that it should have.

Senator **Nunn**. Senator Bartlett.

Senator **Bartlett**. Thank you, Mr. Chairman.

Mr. Secretary, you said on page 1 of your testimony, in the third paragraph: "In my previous appearance before this committee, I indicated that I felt the proper course of action at that time was to proceed to let the system function."

I have a series of questions here. I am not trying in any way to preclude you from answering the way you want. I think I can get them in and the other questions—I have a lot of other questions—if your answers are brief.

Do you feel that the honor system has functioned?

Mr. **Hoffmann**. I feel that it has functioned but it has functioned incompletely.

Senator **Bartlett**. Has it functioned well?

Mr. **Hoffmann**. I think fairly well but not as well as we would want to have it function or as the corps would want to have it function.

Senator **Bartlett**. Has it functioned as a prerogative and responsibility of the cadets completely?

Mr. **Hoffmann**. I am anxious to give you a short answer but I can't.

Senator **Bartlett**. Give me a long answer.

Mr. **Hoffmann**. Or a crisp answer.

I think in general it has. I think the perception has lagged its actual effectiveness. In several cases which have later become controversial, there has been insufficient address to due process requirements for the honor committee process. It is in a state of procedural enrichment, if I may call it that.

In other words, there have been due process requirements that are being meticulously adhered to by officer boards. The officer boards sit and review the case de novo, which is to say they take it up in the first instance again. In some cases the process by the honor committee has been incomplete as to the facts, so that a later reversal of the case by an official board in the knowledge of the full facts might have occurred in the honor committee, had they had the same facts.

Now, with the exception of those cases where that has occurred, I think the system has worked fairly well.

Again when we talk about the system working, I include the disposition of cases which is often reflective of the general tenor and health of the responsiveness of the system across the board.

Senator **Bartlett**. Mr. Secretary, in my letter to you I said:

> But the honor system has failed—failed to achieve the integrity of the honor code. This is clearly shown by the 199 cadets implicated and the 73 cadets found to have violated the honor system to date. Further investigations by five internal review subpanels currently are in progress.
>
> I understand they have completed their activity now.
>
> Moreover, the honor system, as far as the alleged violations and the take-home examination of EE–304 is concerned, is no longer permitted to be a cadet responsibility—a cadet-administered honor system. General Berry, the Superintendent of West Point, by establishing the internal supanels has superseded and usurped cadet authority. In effect, by unilateral action he has terminated, at least temporarily, the student administered system, perhaps creating deep resentment among the cadets who will be called upon to develop and substantially approve a new and better honor system.

And I might add one other point I did not add in the letter, that certainly an honor system is supposed to promote honor, and an honor system that fails in a large way is not fair to the honor students who are participating in the examination.

So I wondered if you would comment on whether or not the system has failed from the point of view of such large number of violations, failed from the point of view of properly and justly prosecuting those violators, failed from the point of view of promoting honor, and failed from the point of view of being fair to the honor student?

Mr. **Hoffmann**. Let me start with your proposition that the honor system has failed. I don't believe it has.

I think there is a widespread incidence of violation, the dimensions of which are becoming more clear as the review process and the officer panels continue.

I think it is well to point out at the outset that the whole problem came to light by reason of an impulsive cadet who wrote on his paper he had received assistance. Following that there have been individuals—and I gave the summary in my statement who have resigned. I think we cannot say in this situation that the honor system has failed. If we thought it had failed, that there was some basic problem at work here, I think we might have taken different address to the situation.

Senator BARTLETT. Would you call it successful?

Mr. HOFFMANN. I don't think it has been completely successful. I keep referring to this concept of health because I think the system is dependent on many aspects not only in the corps with respect to the individuals but in the institution as well with respect to general support for the honor concept. I don't think it is as healthy as it should be.

On the other hand, I don't believe that it has failed. The steps we have taken today are designed to reinforce the strengths that we feel are in the system and to give them the fullest opportunity for play in extraordinary situations. It will require a degree of empathy by the corps and institution to move forward and address this situation. Hopefully cadets who are implicated and yet undetected, some who perhaps have even been exonerated by the process, but know they have committed a violation, will step forward and own up to their responsibilities, mainly to themselves, but to the system and to West Point. So I don't believe it has failed.

With respect to the fact that the numbers show it has failed, I agree that the numbers are unprecedented for West Point. They are large. I also agree that we have not determined the extent of actual violations of the honor system and I hope we will get a better look and have the situation in a more resolved posture as a result of the ongoing process which will be coincident with the effects of the steps we are taking.

I would say a few words about the internal review panel because this body is extraordinary in handling honor proceedings. I do not believe it was unilaterally set up by the Superintendent, although he was the moving force behind it. He consulted with me before he did it. He also consulted with the honor committee before he set it up.

Reviewing the situation at the time they had gone through 177 cases, they found after the initial report came in, again it was in the springtime, it was in the context of the end of the year, exams were upon them as well as June Week and graduation. The feeling was, rightly or wrongly, that the situation involving these widespread cases together with the circumstances in which the cadets found themselves and the size of the problem warranted this address which, as I say, is not unprecedented in the history of the honor code and system although it is unusual.

Senator BARTLETT. Did the cadets ask for the IRP's?

Mr. HOFFMANN. Well, I would let General Berry comment on the discussions he had with them.

Senator BARTLETT. I would be glad to have it. I wanted to know whether they had asked for it or not.

General BERRY. Senator Bartlett, the members of the honor committee acknowledged that the extent of investigations was beyond their capability.

Senator BARTLETT. Did they ask for the IRP?

General BERRY. They did not ask for the IRP but they acknowledged when I suggested this was the way to go that it was beyond their capability. The initiative was mine.

Senator BARTLETT. Mr. Secretary, in your opinion do the IRP's or by the actions that they have taken, has that permitted the system to function? You said you wanted the system to function and I wonder if you feel it has functioned with the IRP's action?

Mr. **Hoffmann**. I believe that it has. There have been allegations of——

Senator **Bartlett**. How can you say that when the cadets have no responsibility with the IRP's and this is supposed to be a cadet program?

Mr. **Hoffmann**. There were provisions made at the outset to have cadets sit on the IRP's and in most cases with the IRP's they did so sit. There were some IRP's that were conducted at a time that the cadets were on leave when they did not sit. But the bulk of the cases, I believe this is an accurate statement, cadets sat on those boards and participated in the deliberations.

Senator **Bartlett**. What would be the makeup of an IRP, a typical one, how many cadets and how many officers?

General **Berry**. Two officers and one cadet.

Senator **Bartlett**. Thank you, Mr. Secretary. General Berry, thank you. My time is up.

Senator **Nunn**. Mr. Secretary, with respect to the formation of a special advisory panel, could you be a little more specific on its composition as to who will be on them, how they will be selected, what the length of service will be, when the report will be due, and so on?

Mr. **Hoffmann**. They are being asked now to serve. They will be representative, they will be from private life, from outside of the Army. We will have on the panel a retired four-star general and a former Chief of Staff. The members will be representative of the business community, of the academic community, representative as well as I would hope of a broad spectrum of disciplines in private life that will give us a broad objective view not only of this incident but relate that to the honor committee and honor process as a whole and relate that to its place in the institution, its relevance in the institution, relevance in contemporary times.

I would think this would be a very searching and a very broad inquiry under instructions to find facts. We will make available resources to the members of the board so that they can pursue their areas of interest in the areas that they think are important, and we will, of course, consult with them as to what we think is important.

I am sure these hearings, for instance, will give them the sort of base upon which to aim their investigations and their review of the situation, to give us an outside view of the system as it has functioned and as it is functioning.

Senator **Nunn**. How many members will you have and when will they be selected? The other question is, will you make the selections?

Mr. **Hoffmann**. I am making the selection again in consultation with the other members of the Army staff. I am receiving suggestions. I have had discussions with the committee on excellence, including Mr. Clements. It is a broad consultative process. At the moment I am making the judgments but with the general agreement of the group because we are seeking a broad-based group with a multiplicity of disciplines individuals of stature in the overall American community and society that can bring a broad range of talent and discipline to bear on the situation.

Senator **Nunn**. Will they be looking strictly at the honor code or looking at the overall academic situation at West Point?

Mr. HOFFMANN. I think their orientation should be to the honor code. I do not believe if they follow that that any significant part of the institution will not come in for review.

Senator NUNN. In other words, you feel they would have to look at the overall institution environment the academic procedures and so forth, before they would be able to make rational judgments on the honor code?

Mr. HOFFMANN. Yes, sir. There have been panels before. I think among the most prominent was the so-called White Panel that reviewed the Air Force Academy incident in 1964 and rendered what is a quite broad report on that incident. The academic health, the contribution of academic and overall pressures to a state of erosion of the honor system, and the like, but it would be that broad-based review of the situation by individuals who as I say are prominent not only because of their ability and capabilities and demonstrated sensitivity in these complex sorts of problems.

Senator NUNN. What will be the relationship of this so-called special advisory panel or blue ribbon committee and the cadet corps itself? For instance, if they enumerate specific changes, will these be in the form of recommendations to the cadet corps, to the Secretary of the Army, or to both? Will they be subject to the referendum by the cadet corps? What will be the procedure here?

Mr. HOFFMANN. I would think they would make recommendations. I would think they would have exchange with the honor committees. Probably both ways. How recommendations would be implemented would depend upon the recommendation. My strong feeling is that, as I have said, changes in the honor system should be reviewed and made by the corps, again in consultation with the institution. I think such a body would be extremely helpful to the community at West Point and to the honor system in assessing the situation and getting a broad gaged view.

Senator NUNN. Mr. Secretary, how do you think the actions that you have announced today will be taken by those cadets who have not in any way been implicated by the current situation or any other violation?

Mr. HOFFMANN. Mr. Chairman, I would not presume to say that I knew what their reactions are going to be. I think they will be mixed. My hope is that they will perceive in a spirit of reaching out by the institution in the steps that we have taken, notwithstanding they disagree with some of them, but seeing in the overall structure the necessity that faces us to get back to a healthy system and for the individuals as well as the institution to step forward.

The institution has today—the institution of the Army as well as West Point—an opportunity to structure a code and to structure an atmosphere and to structure an adherence to principles of honor that will be far stronger than they were before. In that spirit I hope that the corps will be supportive because it must be supportive and I hope that the corps will be encouraging of what we have done to the extent that we can resolve with a fair degree of equity the EE-304 problem and as well address the matters of honor code adjustment and reform that the honor committee may suggest to the corps later.

Senator NUNN. Superintendent Berry, I will ask you the same question. What do you think the attitude of those cadets who are at West Point, who have not in any way been implemented, will be?

And what do you think the reaction of Army officers will be who have attended the Academy and who are out in the field now?

General **Berry**. First, as to the reaction of the corps of cadets.

Senator **Nunn**. I am speaking primarily of giving the cadets who have been adjudicated guilty of cheating the right to reenter.

General **Berry**. I understand, sir. Their reaction right now, so many of them are listening to these proceedings, is one of listening, seeking to determine all of the facts. There will be mixed reaction. There will be some who initially will breathe a sigh of relief that now we are getting on with solving the problem and getting on with the life of the institution.

There are some cadets who will be resentful of the fact that, as they perceive it, we have changed something, modified something that they think is traditional. There will be initial reactions. I think the key will come between now and the beginning of academics on September 7 of this year. The corps is reassembling at the end of its summer training. On the 29th of this month the last of the classes returns. Starting this afternoon, the commandant of cadets is beginning to assemble members of the corps and discuss this with them. Tomorrow when I return to the Military Academy I will be meeting with members of the corps and with the staff and faculty. My confidence is that before the beginning of academics we are going to find a corps of cadets that accepts, supports, and will make this work because it is their honor code and their honor system and their Military Academy to which this is so important. So I know that the corps of cadets is going to move forward with this.

Senator **Nunn**. Do you agree with this decision by the Secretary?

General **Berry**. I do.

Senator **Nunn**. Do you back it fully?

General **Berry**. Absolutely.

Senator **Nunn**. Do you agree with letting the people who have been convicted of cheating reapply next year?

General **Berry**. I do.

Senator **Nunn**. I believe my time has expired. I think the only other question was, what do you think the reaction of the Regular Army officers will be?

General **Berry**. It will be similar to that in the stages of the corps of cadets. I think relief will be overwhelmingly the reaction, and again as has been my practice in this EE-304 situation, I will get letters out to the parents of the cadets, all cadets, to the graduates of the Military Academy and through the Department of the Army staff and the secretary to Army officers. Once they understand the criticality of the situation and the positive nature of this, they will understand it and support it, in my opinion.

Senator **Nunn**. Senator Stennis.

Chairman **Stennis**. Thank you, Mr. Chairman.

While you are on that subject, General Berry, as the situation is now—I am not using the word "failure"—the system is not working and unless it is improved you would have to abandon it, would you not?

What I am leading to is, if that is any way near correct, why not just tell the cadets that if they believe or are interested in having an honor system, why not tell them that it has to be drastically improved, otherwise it will have to be abandoned, if that is what you think?

General **Berry**. Senator Stennis, right now 88 cadets have been found to have violated the honor code in this EE–304 situation.

Chairman **Stennis**. How many?

General **Berry**. Eighty-eight. There are more than 4,000 cadets in the U.S. corps of cadets. I believe that the system while flawed is by no means a failure. I think that it is working and the evidence of it is what we are doing right now.

Chairman **Stennis**. Well, I am not suggesting it is a failure—I avoid using that word—but, this number was out of one examination or one class?

General **Berry**. It was one home study project administered to 823 cadets, Senator.

Chairman **Stennis**. I understand over 200 were charged originally out of that group?

General **Berry**. Of the 202 cadets referred to the board of officers, I dismissed charges against 25.

Chairman **Stennis**. Well, it looks to me like an awfully grave situation—that percentage out of the 800—the fact it has been necessary to go this far. I am not discounting anything you or the Secretary say. I want to give you great credit, but I think that is an awfully serious situation and unless it is drastically improved, it will just have to be abandoned or greatly modified. You just couldn't go along on the idea until you think it is patched up and fixed up.

So I thought, the quicker the cadets saw that something had to be done to save that institution, the better—that is the way I looked upon it.

Let me ask you, what does the cadet have to do when he gets there, to be admitted, so far as this honor system is concerned?

General **Berry**. First, I agree with you that we must strengthen the health of the honor system and that is what we are working to do.

What does the cadet have to do for entry into and familiarization with the honor system?

First, the normal admission procedure is call for examination of the academic qualifications of the cadet, the physical, medical, and character.

Chairman **Stennis**. I meant to ask, what does he have to do insofar as getting in under the honor system? They all have to go under it. Does he have to take a special pledge so he understands it, so he will be bound by it?

General **Berry**. Sir, we do not have a formal pledge. We have formal indoctrination. Unlike the Air Force Academy which has a formal pledge, we don't have it.

Chairman **Stennis**. He knows when he becomes a cadet that he is expected to comply. Now, I just have an idea that they can do more and must do more to this reformation, if that is the right word, reformation. We won't say this is a failure, but a new start is necessary. If they could be given a chance, it seems to me, like submitting to you what they propose to do and keep this thing going and use that as a starting point, forgetting for the time being what you are going to do with those charged. That would come nearer, getting a favorable settlement to get this thing going again and working better at least. You wouldn't have to accept it and I wouldn't want you to have dictatorial powers to tell them what had to be. The power of rejection has to remain with the administration, it seems to me, but, I just believe that they want it.

I was inquiring 7 or 8 years ago, and they explained all this to me and I was delighted with it. I know they were sincere with their pride in the corps and their administration of it. I talked to them. I have seen these things work before. With all deference to you, General—I think you are doing a fine job—my hope lies with these young men seeing something about to get away from them, something that belongs to them, the institution within an institution. I am not going into the details of all your massive facts. I have no suggestion about what to do with those that are already charged.

Here you have already proposed something which looks to me like it is a good step to tie into this new start. You will have to admit you are conceding something there, but I think you have to make a start.

Mr. HOFFMANN. We hope it would be accepted in that spirit, Senator, and I think, as General Berry has indicated, we have confidence that it will.

Chairman STENNIS. Beg pardon?

Mr. HOFFMANN. We have confidence that it will be accepted in that spirit.

Chairman STENNIS. Yes; that is fine. I wasn't overlooking you. If there is anything I have said, any questions I have asked that, you want to comment on it, please do so. I expect my time is about up.

Mr. HOFFMANN. No; aside from that comment, Senator.

General BERRY. May I make one comment?

Chairman STENNIS. Yes.

General BERRY. First, each incoming candidate before arriving at the Military Academy is written a letter by the chairman of the cadet honor committee outlining the expectations under the honor code.

Second, your words are profoundly wise when you say that the future of the honor code and the honor system lies in the hands of the U.S. Corps of Cadets. Each individual cadet or the vast majority of them must actively participate in this honor system or it will fail. That is the reason that we called back early from leave and summer training the members of the class of 1977 honor committee, so that they would have almost 2 weeks before the beginning of academics to address themselves to what must be done to correct the faults that presently exist within this honor system. It is in the hands of the corps of cadets and no one else.

Chairman STENNIS. That is splendid and I believe you will get somewhere. I want to make clear I don't advocate turning it over to them altogether. You have to have a say-so there. I believe perhaps they might adopt the entire code if they had a chance in time, but they can't do it by the September starting date so they would all feel that they each had a part in it.

Senator NUNN. Senator Bartlett.

Senator BARTLETT. Thank you, Mr. Chairman.

General Berry, how can you say that this honor system belongs to the cadets when you seem to be making a lot of decisions? I am referring particularly to the IRP's. How is that consistent with the idea that that is a cadet-administered honor system?

General **Berry**. Senator Bartlett, I belive it is consistent. No cadet honor code or system can exist without the full support and participation of the corps of cadets.

On the other hand, the administration cannot divorce itself from that important part of the training and development of future Army officers.

Now, on the IRP.

Whenever it became evident that the investigative capacities of the cadet honor system committee had been exceeded——

Senator **Bartlett**. So you are saying that the honor system failed and because it failed you instituted the IRP's. It seems to me you are talking both ways.

General **Berry**. I am not saying that it failed, sir, I am saying that the honor committee itself was set up to deal with a small number of cases, not with a large number.

Senator **Bartlett**. So it should only be a honor-cadet-administered honor system in good times and when the sea is rough, it is no longer a cadet honor system?

General **Berry**. The honor committee has continued its operations in a regular way. IRP has dealt with the EE–304 cases.

Senator **Bartlett**. Well, the EE–304 take-home problem is the controversy right now and I am talking about the EE–304 violations and alleged violations. I just can't see how you can continue saying that this is a cadet-administered code when you have and you did usurp responsibility from the cadets with the IRP's.

General **Berry**. Sir, I have not said that is an exclusively cadet-administered code.

Senator **Bartlett**. You certainly haven't given the impression that it is not in your statement but rather how it has to be a cadet-administered code in order to work, has to have their support in order to work, and yet it seems that when things got tough, then it no longer was.

General **Berry**. The Secretary pointed out in his statement that at all academies whenever there is an extraordinary situation such as the EE–304 case extraordinary steps were taken. At the Military Academy in 1951, when I believe 91 cadets were separated for honor violations, from the beginning the administration appointed boards of officers. In the Air Force Academy in 1965 when ultimately 109 cadets resigned because of honor violations, the special office of investigations was called in, again because the normal investigative capabilities had been exceeded.

Senator **Bartlett**. Well, I can't quite see how you can utilize those experiences as a successfully administered honor system, you are talking about huge violations. I would like to ask the Secretary the question of how many times have the honor boards been reversed by IRP's?

Mr. **Hoffmann**. I can get you that. I don't have that factual summary with me at the moment. I can get it and submit it for the record.

[The information follows:]

A total of 34 cadets were found not guilty by the cadet honor committee and subsequently referred to a Board of Officers by the Internal Review Panel.

Senator **Bartlett**. Mr. Secretary, to ask you a somewhat similar question, which I just asked General Berry for the honor system to function as a cadet-administered system would, in your opinion, the IRP actions have to be thrown out?

Mr. HOFFMANN. I don't believe so. Let me preface that by saying that I think the IRP is an unusual step. If there are the availability of cadets and the normal honor committee process to process these violations, that is far preferable. On the other hand, what we sought to do, what was sought to be done, was to have an investigatory body that would screen the cases before a cadet was brought before a board of officers, and that was their function.

At the outset there were some cases that I would consider cases of overreaching, which were speedily corrected. I do not believe the IRP represents a flaw in the overall system. To that extent, it stands somewhat as a grand jury stands as an inquestorial device, partially investigative and partially as a screening device in preliminary way to assess whether or not there is probably cause to proceed. I don't believe there will be need to throw cases out. I am checking into this; we will be mindful of it in the cases as we review them, such cases as we will review. If it happened that by the process of the IRP there was some overreaching or undue influence that obtained in a case we would redress that in the individual case.

Senator BARTLETT. Mr. Secretary, how would you explain your decision to a cadet who may have been expelled 5 years ago for cheating on a similar take-home examination, without giving him the opportunity of being readmitted?

Mr. HOFFMANN. I think I would address that in terms of the present situation as I have to this committee, that this is an unusual situation and an extraordinary situation. The opportunities to do complete justice across the board perhaps are not there. The necessity to move ahead having achieved a degree of resolution to these problems is a pressing one. I intend this is a one-time action based on all the facts and circumstances.

We feel it is responsive and will be effective if taken in the spirit in which is is put forth and in the spirit in which I have intervened directly. This was a step taken only after great deliberation and with some hesitation. But having stepped in, if taken in that spirit, I believe it is understandable and that it will be understandable to those who have been separated in years past.

Senator BARTLETT. Mr. Secretary, I am very happy you have stepped in. I also have full confidence that you are going to make every effort that you possibly can to find justice in every single case that comes before you and in the process.

Senator NUNN. Why don't you take the rest of your time when we come back. I think it is a good time to take a break. We are going to have a good many other questions. I hope you and General Berry can stay a while.

[Whereupon, a short recess was taken.]

Senator NUNN. Mr. Secretary, until Senator Bartlett gets back I will proceed and when he comes back we will go back to his questions.

When the class of 1977, any of them, are convicted by the process of cheating, then they are terminated, suspended, or expelled, depending upon the terminology. Then they reapply for readmission under your discretionary policy. What will happen as far as the class of 1978? They will come into the class of 1978. It is possible the class of

1978 could give them the so-called silent treatment or shun treatment or anything of that nature that would in effect be the equivalent of expulsion?

Mr. HOFFMANN. Well, the silence as such has been outlawed, I believe any such treatment would be discouraged.

Senator NUNN. Is that a problem that concerns you even though it has been outlawed formally in effect? There are allegations that it is still employed on occasions.

Mr. HOFFMANN. It is a problem we considered and our judgment is that after a year, when more of the facts are known, the blue ribbon panel is back and there have been a full exchange of the problem, that the disadvantages suffered by these individuals in being dismissed from the Academy and spending a year out away from it and then returning will mitigate that impact.

I won't say completely, but our feeling is that in the spirit in which we have proposed it and in which we hope it is implemented and followed on there would not be such a factor.

Senator NUNN. Superintendent Berry, what steps will you take with the class of 1978 to make sure they understand this procedure and make sure they will accommodate possible known cheaters who are readmitted?

General BERRY. Mr. Chairman, that process commences today with the information, with the education, the laying of the facts before the class of 1978 as well as the other classes.

I have confidence in the maturity and good judgment of our cadets. By the time that these former members of the class of 1977 have become members of the class of 1978, time will have passed, people will have thought of all of the ramifications, and I frankly do not anticipate problems.

Senator NUNN. Will the stigma be attached to those who have cheated or who are reinstated, graduate and become regular military officers? Will there be anything in their record to indicate that they have been found guilty of cheating and, if so, will that interfere with their future career in the Army?

General BERRY. There will be nothing on their record.

Senator NUNN. Mr. Secretary.

Mr. HOFFMANN. I don't believe there would be anything on their record. The intent is that there would not and I don't think there will be. They will have completed the course at the Academy.

Senator NUNN. Will you look into that detail carefully and will the Superintendent follow up on it so the process does not become in any way a sham—that it becomes a real matter of discretion. I think it would be very bad if it became a matter of not being accepted by the class of 1978, or if it was reflected on the record and it interfered with their career in the Army.

It seems to me there would be real distillusionment with the corps of cadets where they suggested procedures that did not work out.

Senator BARTLETT. Mr. Chairman, Mr. Secretary, before I voted I mentioned that I had full confidence that you were going to utilize all of the powers available to you to provide justice in every case. I would assume from the actions that you have announced today, in the ways that the case will be handled, that you believe that the existing system does not provide the flexibility and the opportunities for justice that you would like to see. Is that a fair statement?

Mr. Hoffmann. I believe in this situation that it did not. My own personal belief which, as I say, is my personal belief, is that there should be more flexibility in the system.

Senator Bartlett. Why would you have not approached it this way? Advise the cadet honor committee and the cadet corps that they could have additional flexibility if they desired, and to permit them to review all of the cases, in a sense to throw out the IRP's, if they wanted to, or keep them, if they wanted to, but to proceed just as they would like to proceed, making the recommendations that they would make, that would follow up in the system, to the officer boards, to the Superintendent, and finally to you. In that way it would be truly run as a cadet system using the flexibility that they wanted to use, or not using it, if that was their desire, and having an opportunity to perform as they wanted to perform their responsibilities.

Then at that point I certainly agree with the point that the Superintendent General Berry, made, that he does have responsibilities, I believe that, but I also happen to believe that the introduction of the IRP's may have usurped responsibilities from the cadets.

Why wouldn't you approach it that way retaining for General Berry and giving General Berry more flexibility than perhaps he felt he had, giving the officer review boards more flexibility in how they would review the cases then, or course, exercising the flexibility that you have?

Mr. Hoffmann. We considered a number of alternatives that would have brought the committees into play directly into the situation, both after the boards had convened as assistance to the Superintendent, and various other procedures for bringing their judgment into play on the situation.

I think it was a combination of factors that led us into another direction not the least of which was the proceedings of the boards of officers as opposed to the IRP's and to be regular, we are going to review individual cases, but I have seen no overriding circumstances in those cases that suggest that the results that they have reached are not accurate.

I think part of it, and I know in my own consideration and in the consideration of the Army staff was the fact that while this would provide the optic benefits that you suggest in the corps participation, that the larger job and the more sensitive job was to address the task that lay ahead in terms of bringing the code forward into the next year and working on the system prospectively.

It was based on those sorts of considerations and considerations of the honor committte's time and what we thought would be the best investment of their energies. I felt it was my task to review the facts and circumstances attending the EE-304 exam and make a disposition which I was willing to do on the basis of intervening, because I thought after we had seen all the facts develop, this situation warranted such an extraordinary intervention.

Again, I don't recall this as precedential and I hestitated in taking the step, but those were the sorts of considerations that attended our preferring the course that we have taken as opposed to that which you have outlined.

Senator Bartlett. It seems to me there has been near unanimous testimony before this committee that the existing system will not work with the existing alleged cases before it to provide justice because of its rigidity. So in a sense with the IRP's being appointed, the responsibility of the cadets has been eroded, and then the cases will be handled and after that is done it will be thrown back to the cadets again. This has been the case in some previous scandals on cheating at West Point and elsewhere. I am just wondering why would it not be well to after recognizing that the present system will not work, that the cadets be given a chance, if they want it, to exercise discretion in the penalty area to see what they would come up with, retaining all of the authority that now exists at the upper level, officer review boards, the Superintendent and yourself, rather than preventing them in some instances from exercising their authority and from having the opportunities for a learning process in developing what they want in the future. Certainly what they have in the future must be truly their system and I know that General Berry has mentioned that many times today.

But I also feel every time he mentioned it it is not their system and I would like to see it be their system because I don't think it is going to work unless it is, and I think one of the problems with the system is that it hasn't been their system, that it has been a system that has been perpetuated from year to year, by officers, with no apparent way for the cadets on their own initiative to change the system to know how they could make adjustments even after 54 percent of them said they didn't want the single sanction penalty.

This showed there was not support for the system as it exists and this is certainly a very critical point in evaluating this system to know that the majority of the cadets did not favor the system as it was, and I am convinced it is not just that this was a minority that favored the single sanction penalty. I am convinced there needs to be an overwhelming majority, far beyond 50 percent, supporting a system, and supporting the basic element of a system, for the honor system to work.

Mr. HOFFMANN. Senator, let me respond to your point about the IRP usurping the honor committee, and again I would freely acknowledge that that is in itself, while not unprecedented, an extraordinary procedure and one which should not likely if ever again be resorted to.

But during the time they have been sitting, and they have been sitting only to hear the electrical engineering 304 cases, during that time the honor committee process has been ongoing and the number of cases and some description of the circumstances is here on this addendum. With respect to the vote that was taken last time on the question of mitigating the effect of single sanction, I would again make the point, which I think needs to be made here, the fact that 54.6 voted to change the system did not necessarily mean they did not or could not support the system as it then existed. They could see a system that would be enhanced if a change was made. In my judgment it doesn't necessarily derogate from their support from what they had recognizing that it might be improved by the steps they advocated by their vote.

Senator BARTLETT. You are not contending it did indicate overwhelming support for the system as it is?

Mr. HOFFMANN. I don't think it indicated overwhelming support or nonsupport.

Senator **Bartlett**. It certainly raised a red flag when the majority voted against the single sanction system. The part that everyone now is raising as a big bugaboo in the system. Beside that, what I am saying is, everybody recognizes the rigidity being the basic problem to the system, but the cadets have had the full opportunity of flexibility, if they want it, of using discretion in sanctions. You are using it, but the cadets haven't had that opportunity, and I ask you why haven't you in creating this new approach given them the chance to perform and then if they don't perform, well, the Superintendent and the review boards would have their day in court.

Mr. **Hoffmann**. Again, Senator, by reason of how the circumstances arose on the context in which it arose during the last academic year at the Academy, our feeling was that it required an address to these particular cases that would encompass a broader range of circumstances and environment than the ordinary individual case or series of individual cases would.

For that reason I felt it was my responsibility to step in and make an overall address to that problem, not to resolve it as much as to put it on the path to resolution, under some extraordinary steps which I have set forth here that will allow individuals as well as the institution to recognize the heart of that individual responsibility.

I don't think it is unreasonable to have proceeded in the way you have described. We thought this was a better procedure and we thought that full participation by the honor committee and their interaction with the corps on the question of the regidity of the system in full knowledge—as best we could give them the full knowledge—of the circumstances on which we relied, and the cases as they have gone forward, would make them sufficiently aware of this situation that it can be reflected in the judgments they take.

Senator **Bartlett**. My time is up, but I am curious as to whether you think the cadets would have been responsible to function properly as I outlined?

Mr. **Hoffmann**. I think they could have been charged with that responsibility completely. I have discussed it with them and told them that I have full confidence in their handling the situation.

Senator **Bartlett**. Did they express their desires one way or the other or did they have the opportunity?

Mr. **Hoffmann**. I think they had the opportunity and they didn't express desires one way or the other.

Senator **Bartlett**. Thank you.

Senator **Nunn**. Mr. Secretary, there have been serious charges about limiting the scope of the investigation by the Army. In your opening statement on that particular point you said, and I quote, "We have attempted to pursue every lead and give attention to any case alleged where there is evidence to support the charge."

As you know, 30 defense counsels, two Army prosecutors and a Catholic Chaplain at West Point have stated publicly that the Academy has consciously confined the scope of its investigation to the EE–304 examination and the class of 1977, despite mounting evidence that the cheating which took place on the examination has been widespread at the Academy.

Now, how is it, despite scores of allegations of cheating by cadets, members of classes other than the class of 1977 and other than this particular examination, that not one has resulted in charges being filed?

Mr. Hoffmann. There have been, as a result of the EE-304 process, a number of cases that have been referred to the cadet honor committee and to cadet honor boards which have been sitting.

With respect to the charges that there have been a conscious effort to limit or some calculated, premediated effort to limit, to my knowledge, that is not the case. We have asked defense counsel to come forward with evidence of what they see, and asked them to come forward with any evidence they have again with respect to other cases. We understand that they have a number of affidavits with allegations of additional honor violations in the EE-304, in other subjects, and in other classes. We have asked for those and they have not been forthcoming. We are pressing on with the investigations. I have charged General Berry and he has accepted the charge to be alert to any possibilities and I have not found justification for that charge.

Senator Nunn. What about the prosecution of charges that they have been limited?

Mr. Hoffmann. I have talked with the prosecution. Their feeling was that we might have made at an earlier time a better use of immunity with respect to these cases and that they wish they had additional investigative personnel. We are looking into those. I believe we will have an increased use of immunity, condititoned to this situation, and responsive to it, and that we will continue to use all the means that we have available up there and we have sent extra resources up there but to pursue these matters——

Senator Nunn. By immunity you mean that somebody who has been guilty of cheating comes forward and testifies against other people would be given complete immunity?

Mr. Hoffmann. There are various ways to apply it. We had not considered so-called transactional immunity which would give immunity from a pending case. We had considered situations where a cadet was either exonerated or found guilty and would give him immunity with respect to the extent his testimony might bear on the subsequent review of his case. In the case of the exonerated cadet, the immunity would be testimonial. Again I have discussed this with defense counsel and we are continuing to review enlarged use of the immunity as an investigative tool.

Senator Nunn. What about allegations against members of the class of 1976?

Mr. Hoffmann. There are, I have been told, among the charges contained in the affidavits allegations against members of the class of 1976. There is a case presently under review that involves a member of the class of 1976 as well as a cadet member who was turned back from that class and that is still under review.

Senator Nunn. What jurisdiction does a cadet have over people who have graduated and are already commissioned officers? Suppose one of them had serious allegations of cheating while at the Academy, what procedure would you follow then?

Mr. Hoffmann. In general we still retain a jurisdiction and I will let General Berry comment on the particulars from his expertise in the personnel field, but we have those and the usual practice is to regard them if they committed an honor violation which would have cost them their commission to withdraw their commission even though they have been commisioned.

Senator Nunn. So you will not impede any investigation of the class of 1976?

Mr. Hoffmann. No, sir. The thrust of what we are trying to do is to get to the bottom of all of these cases wherever it leads us. That is what I hope is going on, what I am confident is going on, and what I will state to you I am resolved will go on.

General Berry. Let me add that is what is going on, sir.

Senator Nunn. You are stating before this committee that there has been no attempt on the part of the Academy, or you, or any of the staff that are in charge of this, to impede the scope of the examination, and to limit the scope of the investigation?

General Berry. I am stating unequivocably there has been no attempt to limit any investigation. We have proceeded responsibly to investigate every lead for which there is substantial evidence.

Senator Nunn. If the defense counsel produces affidavits of other cheating going on, will you see that the matters are investigated?

General Berry. We have and we will.

Senator Nunn. What would happen in the instance I gave about the class of 1976 to someone who is already in the Army?

General Berry. The Military Academy has no jurisdiction over one who is graduated and commissioned into the Army. However, we would investigate that. If appropriate we would request the Secretary of the Army to return the individual to the Military Academy for the conduct of the investigation. Should there be a finding of substantial evidence that a graduate had committed an honor violation while a cadet we would then petition the Secretary of the Army to take whatever appeared to be appropriate action.

Senator Nunn. Mr. Secretary, would you please describe in detail what will happen, including possible options, to cadets in the following circumstances? I have five different examples. I will give you them one at a time and you can answer them.

First of all, a cadet who has been found guilty of cheating by a board of officers, under your procedure now, what would happen to that particular cadet—that is to say, what are his options?

Mr. Hoffmann. If he has been found guilty by a board he may step forward and resign and have the special disposition outlined in my statement available to him. He may elect to pursue his final appearance up to me and if found guilty he will retain that option for the special dispensation.

Senator Nunn. No. 2, a cadet who has been charged with cheating and who has resigned.

Mr. Hoffmann. A cadet who is charged with cheating who resigned will have the benefit of the special dispensation.

Senator Nunn. In other words, he will be able to reapply for admission to the Academy?

Mr. Hoffmann. He has resigned and been dismissed from the Academy and he will have the opportunity to aline himself with the program on active duty as an active reservist, if that is his preference, or work out another program and review it with the Academy to assure that will give him eligibility to reapply.

Senator Nunn. How long does he have to submit a petition to the Superintendent?

Mr. Hoffmann. We haven't set a time limit on that but we will, I would think, by the end of a reasonable period following the beginning of classes at the Academy.

Senator Nunn. At some point in time there will be a cutoff so he could not wait until, say, 1 or 2 weeks or 1 month before the——

Mr. Hoffmann. I would think a cutoff would be reasonable since the objective is to have him pursuing a course that the Academy feels will allow him to mature, to continue to develop his skills and to demonstrate that he has the wherewithal to come back.

Senator Nunn. What about a cadet whose case has been referred to the board of officers but who has not yet been judged?

Mr. Hoffmann. He can continue with the process if he feels he is innocent and have the benefit of the officer board throughout the pendency of that proceeding. If he is exonerated that will take care of it. If the case is still pending he may resign at any time or pursue the case to its last.

Senator Nunn. If he fights the case all the way and then is found guilty, then he appeals it all the way up the line and is found guilty, he would still have the option of reapplying?

Mr. Hoffmann. Still have the option to go ahead and resign at this point and have the opportunity to reapply.

Senator Nunn. So fighting the case and protesting ones innocence does not disqualify you in any way for this treatment?

Mr. Hoffmann. No, sir.

Senator Nunn. What about a cadet who had not been charged with any kind of violation but steps forward and reports that he had involved himself or has knowledge of cheating. What are his options?

Mr. Hoffmann. He steps forward, resigns, and has the option either to go, to leave completely or to undertake a program and seek readmission.

Senator Nunn. What about a cadet who cheats in November of 1976 on new examinations that has nothing to do with this?

Mr. Hoffmann. He is under the honor code at West Point.

Senator Nunn. Meaning there will be no flexible sanctions unless subsequent charges are made by the corps of cadets?

Mr. Hoffmann. That is right.

Senator Nunn. He will be expelled from West Point and would not be given a chance to reapply under the present system?

Mr. Hoffmann. If the honor system were not changed that would be the result.

Senator Nunn. Does that lead one to the conclusion that if you are going to cheat you ought to have a bunch of people do it with you?

Mr. Hoffmann. I would hope it would not.

Senator Nunn. What about a cadet who is cheating on another examination, who has been expelled, say, in academic year 1976, had nothing to do with this particular examination, but he has been expelled?

Mr. Hoffmann. We have indicated that if he has been expelled on matters arising during the last academic year we would review those cases and see if some form of address to his particular situation and circumstances is warranted.

Senator Nunn. General Berry, do you have any comments on any of those?

General BERRY. I do not, I agree with all that the Secretary has said.

Senator BARTLETT. Mr. Secretary, it is my opinion that the current honor scandal is most likely not an isolated incident but rather is symptomatic of the system in which violations have occurred and have been tolerated for years. What would be your comment on that, referring to West Point?

Mr. HOFFMANN. I have not found many among the cadets or individuals there who would agree with that statement. While I would freely admit that my hopes might overwhelm legitimate expectations I would not expect to find that to be the case. I would hope it is not the case.

Our address to the situation here is designed, as I think Senator Stennis put it very well, to allow the corps to grab the whole situation and go forward with it notwithstanding what has happened in the past, and I would hope that would happen.

Senator BARTLETT. Because of this possibility, which I think exists at least because of the large amount of cheating that has taken place, I suggested in my letter to you that a very thorough, broad and deep study be made as to the extent of cheating so this wouldn't be a mystery, so we would know.

I recall from a conversation that I thought you indicated it would be in your statement, I didn't see it in the statement, it may be there in broad terms, but do you plan to have the blue ribbon panel see that a very broad and intensive, objective study be made of the extent of the cheating at West Point going back a few years to different classes, different subjects, on a broad spectrum?

Mr. HOFFMANN. I would think that could be a relevant part of their exercise. I would encourage them to assess the present extent of cheating to the extent they can find it out through the methods available to them.

You will recall the Air Force study commented on that subject and conducted interviews with cadets in an anonymous fashion and was able to form an opinion on that subject. I think that would be an appropriate avenue of exploration for the blue ribbon panel.

Senator BARTLETT. Could you assure this committee there will be undertaken by somebody a thorough study of the extent of cheating going back quite a few years into other classes and going into all subjects?

Mr. HOFFMANN. Yes; we will be happy to make such a study.

Senator BARTLETT. I thank the Secretary.

I think that it is very important that we have that information and I realize that the secretary would have to be at arms length from that. It would have to be handled through others who could receive information that might implicate cadets or would implicate them, but it would be held in confidence so it wouldn't be jeapordizing their positions, but in order to have a real good look at just what the situation is.

Mr. Secretary, if the system remained the same and there was no toleration of cheating, what would the odds be in your opinion for a cadet to complete 4 years at West Point without committing a single honor violation?

Mr. HOFFMANN. I think I understand the thrust of the question. I think they would be fairly good in terms of a material honor violation.

One of the problems that has been assessed with the code is that the code at marginal areas begins to blend into the enforcement of regulations. I would not want to say that you could not get through West Point without a violation of the honor code. There are many that take that view. I haven't been that close to it. There are cadets I have talked to who have come out both ways and I really don't have a judgment on that at this point. I think the question as you outline it is a central question because we have discussed before if you have a code that is so exacting it can't be met that in itself is a factor in a person's willingness and recognition that he can and should attempt to abide by it.

Senator **Bartlett**. If the answer to that question was that there would be a rather low percentage of cadets who could go through 4 years at West Point and not make one single violation, then would the system actually not be conducive to encourage cadets to sort of work with it and around it and perhaps abuse it a little bit?

Mr. **Hoffmann**. Yes, sir.

Senator **Bartlett**. In other words, they would begin to tolerate abuses of the system?

Mr. **Hoffmann**. Yes, sir, it would be the sort of incremental thing that we saw with the Watergate, for instance, when the fabric of an established organization begins to break down by small things which get trapped into larger things. I think there are some of that involved in this situation and I think that is one thing that makes the toleration part of the code so important and so sensitive. The individual who tolerates, particularly under a code that has a single sanction and a degree of rigidity, is then cast somewhat in his own mind as a violator and he then says "why not?"

Senator **Bartlett**. Mr. Secretary, do you believe that the honor system should apply to all phases of the cadet's life?

Mr. **Hoffmann**. I believe that it should apply to all phases of a cadet's life, freedom to apply. I think it should apply to those traditional areas, particularly academics and truth telling and signature that traditionally has applied. I am not one who believes it should be used as a way to implement or enforce regulations or assess compliance with regulations by the asking of questions or by other means.

Senator **Bartlett**. Let me delve off into that a little bit. You are saying it should apply to the academic?

Mr. **Hoffmann**. Yes.

Senator **Bartlett**. But it shouldn't be utilized to enforce regulations?

Mr. **Hoffmann**. Yes.

Senator **Bartlett**. By asking a cadet whether he did this or did that?

Mr. **Hoffmann**. Yes, sir.

Senator **Bartlett**. Now, in the other aspects and phases of a cadet's life, then, are you saying it shouldn't apply to all or it should apply with discretion, or it should apply in part?

Mr. **Hoffmann**. No, I think it should apply in all those situations where reliance is being placed on a cadet's word. I think the old expression an officer's word is his bond is the foundation of the system. That would be included in his signature and those things which he represents to his advantage are his.

Now, I have puzzled with this, I have suggested this as a course of exploration for the honor committee, and I am not bothered by the lack of ability to make express resolution in these kinds of situations.

Now, the Superintendent might be able to enlarge upon that area where the honor system and the regulations appear to be intermixed. There are some classic instances of that. The view in the Buckley study that the code is used to enforce regulations by a large group of the cadet corps does give me pause and I am not sure how you address that problem.

Senator BARTLETT. In other words, you are saying that the honor code should not be used to enforce the Academy regulations?

Mr. HOFFMANN. It should not be used to enforce Academy regulations.

Senator BARTLETT. Would the answer you gave to the question before the last one, in which you said there is sort of a gray area there, in your mind, about how far the honor code should be used, would that be another reason for having discretion take place in the processing of the current violations on EE–304 as well as in the future processing of any violations if it happened to deal in that area?

Mr. HOFFMANN. If by discretion you mean the discretion that is in the Air Force code, which we discussed last time we were here, and provides a model; I am fairly sure that the instances under EE–304 would not be reached by that provision.

On the other hand, where you have a more flexible sanction it makes it easier for an individual to come forward, particularly in a case where because of these circumstances and because of his coming forward he can make clear that while there may be some question in his mind as to the requisite he wants to get the violation cleared up. I think it would contribute to that situation.

Senator BARTLETT. Mr. Secretary, do you think that there is a need for a definition of cheating? We have heard cases where a cadet has asked his roommate for the spelling of a word or the meaning of a word or the use of a word in a sentence would be a violation. If the cadet answered him or didn't report him that would be a violation. And if there were a third cadet in the room and he didn't report it that would be a third violation.

Do you think that there is a need for a definition of cheating?

Mr. HOFFMANN. My impression would be that the working definition of cheating that the corps has is fairly comprehensible.

Now, we had an exchange before with regard to asking one roommate to spell a word on an exam, on a theme, and the technical answer was given, and I think later corrected on that. It was first given it would be a violation and then suggested that it wouldn't. I would like to ask General Berry to comment on his perceptions of whether or not the corps has a good working definition of cheating.

General BERRY. I believe the corps does have a good usable definition of the term "cheating." That essentially is stealing work that is another person's, stealing solutions from their homework then using it for their self advantage without giving credit to someone else. Plagiarism, for example. I think the corps has a workable definition of cheating, Senator Bartlett.

Senator BARTLETT. Do you think there is a need for flexibility with the honor committee in assessing differences and graduations of cheating?

General BERRY. I believe that there is a need for and that there exists the ability of the honor committee to assess graduations of honor violations including cheating.

Senator BARTLETT. You say you think there is?

General BERRY. I believe they do that in their consideration as they go through the investigations right up through the honor board.

Senator BARTLETT. When I was chairman of the honor committee many years ago we had one case where a student was caught cold copying a laboratory examination. We had another case where a student was reported to have looked over the shoulder of another student during the taking of the examination and was thought possibly to have cheated by the person who reported him. I think you would recognize the latter was a rather vague accusation, it certainly would not be courtroom evidence of cheating. He was in turn asked whether or not he cheated and he readily admitted that he had cheated, and apologized and said he should be kicked out. The first fellow threatened the honor committee, that if he was kicked out he would join the Royal Air Force in Canada or commit suicide, and threatened the committee in this sense not to kick him out.

You can see a difference in those two. Both cheated. One admitted it, readily; the other one finally, reluctantly admitted.

General BERRY. I personally see a difference.

Senator BARTLETT. Should they be treated differently and would they be treated differently at West Point?

General BERRY. Under the present single sanction probably not.

Senator BARTLETT. You think they should be treated differently?

General BERRY. I personally think there are grounds for treating them differently, yes.

Senator BARTLETT. Mr. Secretary, do you agree?

Mr. HOFFMANN. I agree with that, yes, and I think in that instance the operation of the Air Force form of discretion which looks not so much to the severity of the offense as the circumstances under which the offense was committed, in that case being self-reported, the man being apologetic, he has indicated he has within him that spirit of the code that we are trying to mature under this system.

Senator BARTLETT. I can't readily recall how that was handled. I think we finally figured a way around the system by his leaving. But getting back in.

We had a single sanction system also so it would create a problem. That is when I realized that there is a difference in cheating.

Have there been, Mr. Secretary, cases where a cadet was not found guilty by the cadet honor committee but subsequently that decision was reversed by the IRP?

Mr. HOFFMANN. Yes, sir.

Senator BARTLETT. And I think I asked you a little earlier how many of those, and I wonder if General Berry would know how many cases where the IRP has reversed and not found?

General BERRY. Sir, the absolutely correct answer is that a technically correct IRP does not reverse a cadet honor board. The IRP is not comparable to a cadet 12-man honor board. The IRP which consists of three members is comparable to the cadet three-man or three-cadet investigating subcommittee which investigates allegations and then either finds substantial evidence for referring a case to a full cadet honor board or dismissing it. That is the comparability of the IRP.

The IRP makes no findings of guilty or not guilty. What it does is to find that there is or there is not substantial evidence for referring the case to a board of officers.

So let me make clear we are comparing a board of officers with a 12-man honor board and the IRP with a 3-man cadet investigating subcommittee.

Now, here are the figures.

Senator Bartlett. If I might before you give me the figures. But there is a difference, is there not, that the IRP does not report its findings to the honor committee but to the officer board?

Mr. Hoffmann. To the Superintendent.

General Berry. They report them to me through my staff judge advocate and then we further review the allegations that have been sent forward. In 25 out of 202 cases on the advice of my staff judge advocate I have dismissed those charges: that is, originally referred them to a board of officers, then upon further analysis of evidence by the Government attorney I found that there was not sufficient evidence to continue with the board of officers.

Mr. Hoffmann. Could I insert a quick comment? There was a rule established by the Superintendent at the outset of the IRP process that no case in which an individual had been exonerated by the honor committee could that case be taken to the IRP without additional evidence. That rule has been followed. As a practical matter one of the cases that is alleged as an unwillingness of the administration to pursue the matter fully involved a case where the recorders were inhibited from taking the case to the IRP although they thought that was a strong case because there was no new evidence that was not before the honor board and they were barred by that additional evidence rule.

Senator Bartlett. Have there been questions as to whether there has been additional evidence or not in some cases?

Mr. Hoffmann. There have been questions raised, yes, sir.

Senator Bartlett. You are following those up?

Mr. Hoffmann. Yes, sir.

Senator Bartlett. My time is up.

Senator Nunn. Mr. Secretary, since your statement was released, we have a statement from only one of the defense counsel. I am not going into the whole detail of that, but I would like to get your answer to, and I quote that statement.

> I have good reason to believe that the Secretary of the Army did not make this decision at all but it was directed upon him from above.

So the question is: Who made this decision? Was it directed from above and, if so, by who?

Mr. Hoffmann. I made the decision, it was not directed from above nor below or from any side, it was my decision, I made it.

Senator Nunn. Have you discussed this with the Secretary of Defense?

Mr. Hoffmann. I have discussed this with Deputy Secretary of Defense Clements and the committee on selections in order to tell them what I was doing and get their input into the situation, based on the review we have all been making of the honor systems at the academies, and also to assure them or to gage the effect it would have on the process at their academies. That was a consultative arrangement. I had the initiative and the plan that I advocated before them is the plan that is before you today.

Senator **Nunn**. Have you discussed this with President Ford?

Mr. **Hoffmann**. I have not.

Senator **Nunn**. Do you know whether he was consulted by the Assistant Secretary of Defense?

Mr. **Hoffmann**. I do not know.

Senator **Nunn**. So your statement here today to this committee is that it was your decision?

Mr. **Hoffmann**. Yes.

Senator **Nunn**. We have talked an awful lot about fairness to the accused, the cadets and the ones who are found guilty. What about the cadets who are in the class of 1977, who have never lied, never stolen, never cheated and who have never, to your knowledge or anyone's knowledge tolerated those who do. What does this proposal do to or from them and how do you explain it to those cadets?

Mr. **Hoffmann**. The proposal as to them, of course, they are not affected by its direct application. We would hope, and I believe that it would be taken by them as an indication that this is an unusual situation involving other individuals not as strong or as dedicated as they were during the same period. Further it will indicate that there was properly applicable to other cases that arose during the year some measure of the same environment in which these others found themselves that matched the overall situation.

In other words, that what we have set forth here today would be taken as accurately reflecting the situation in which these other cadets found themselves. Beyond that I am sure that many would feel that this decision doesn't measure up to their expectations of what the result ought to be in an honor case, I couldn't expound on the effect upon that.

Senator **Nunn**. Superintendent, how do you explain to the cadets, who have never been found guilty or charged with any kind of honor offense, this decision to allow application for readmission?

General **Berry**. Mr. Chairman, I have thought a great deal about that and there are three basic assumptions that I have arrived at during these past several months?

First, that the EE–304 is more than a single, isolated case. That it may well be an overload situation that has revealed that perhaps over the past decade there has been a subtle incremental erosion of some cadets belief in and support of the traditional concepts of duty and honor.

Second, I believe that the individual cadet is a free, responsible agent who knowingly makes up his mind to cheat or not to cheat, to lie or not lie, or steal or not to steal; and third, that the institution does bear a portion of the responsibility for the situation, the environment, the circumstances in which EE–304 occurred.

Senator **Nunn**. Let me ask you on the third point, then we can complete your answer. Do you think the fact that you and the Secretary of the Army today have made a rather significant admission of some degree of institutional culpability or blame, in other words, it is shared by the institution and by the faculty and by the staff—do you think that should exonerate completely the cadets who have cheated so they would not be punished at all?

General BERRY. I do not, sir. I think that the current decision of the Secretary is the correct one.

Senator NUNN. Let's go ahead with the other question.

General BERRY. Recognizing or believing that there is some institutional responsibility here—and by the way I spent about an hour-and-a-half Saturday discussing this among other things with members of the honor committee and they, many of them, agreed with me. Having made that assumption I then believed that in these extraordinary cases these extraordinary actions are warranted to prevent similar extraordinary cases from arising in the future. It is now encumbent upon all the cadet corps and all of us within the administration at the Military Academy to do all of the things that are necessary to strengthen, to revive, reinvigorate, restore to full health the honor system.

Senator NUNN. Thank you.

One final question and I will defer to Senator Bartlett. I know hindsight is a wonderful thing that all of us wish we had in advance. However, Superintendent Berry considering the fact that a couple of years ago Dr. Moore, who appeared before this committee, wrote a book outlining problems with the honor system, which I think is a very constructive overall book whether you agree with the point-by-point basis or not, and then the Buckley report came along in 1974 and in effect predicted that the class of 1977 was at least more susceptible or has more questions about the system than others, and then the corps, in a vote of 54 percent voted to make changes in the honor system, with all of these danger signals that were there how is it that institution itself cannot anticipate these kinds of problems with those kinds of signals and take preventive measures before this kind of overall problem develops? Is there something built into the institution that prevents it from acting until there is a crisis?

General BERRY. I don't think that there is anything built into the institution that prevents our anticipating and acting before a crisis has developed, but I think there are three key things here.

First, we frankly trust people and we don't suspect them and we don't search for evidence of wrong-doing or of weakness.

Second, I believe that our institution may not have been as cognizant of changes that have taken place in society from which our young people come as we probably should have been.

And, third, I think that there is a time lag between what goes on in society and the Military Academy.

Mr. Chairman, as we have gone back and reviewed the record for many years, if I may, let me read a brief portion of a report by the Superintendent's curriculum review group of the Military Academy in 1966. The final basic finding of the group pertains to the extremely subtle problem of keeping the Academy properly in tune with the changing viewpoints of youth, regarding many of the traditional values of our older more stabilized society. They concluded that these difficulties might even arise in regard to such basics as the honor system, the motivational receptivity of the future cadet or in the system with which motto, duty, honor, country is held. That was written 10 years ago.

Mr. Hoffmann. Could I add an observation there? I think in hindsight one can make a very strong case that one could generally predict this sort of things and I think that will be increasingly true hereafter. What has happened to a great extent, and this is one of the benefits of the infusion of due process into the system, that as we pick up more information which becomes a part of established literature, we have in effect a data bank on the kinds of things that lie at the bottom of these circumstances. Repetitive patterns begin to appear. I think you all have read the Air Force report on the Air Force Academy incident of some time ago, which I have gone back and read recently in view of my West Point visits and talking with individuals. I think from this process we are going to be able to get a better handle on not only the kinds of indicators that you have reference to but the utility with which they can be used selectively to reinforce or smooth the path of transition. It may be possible to take such steps as are consistent with the indicators to flag problems, and in fact maybe even get to the state of art where one would call the attention of the corps to the fact that these circumstances before have developed into situations which were not consistent with a healthy honor code.

Again, it is a fragile system and I think over the years the mystique about the system, the reverence with which it has been held, that has promoted that mystique, has precluded in many cases taking a hard analytic view of it.

This occurs against a background, as the Superintendent has pointed out, of one of the great benefits of the honor system, which is that if you are under the honor system you are presumptively credible, you are presumptively to be trusted.

Senator Nunn. Senator Bartlett.

I have one other general observation and one other question I want to pose, but I will wait until Senator Bartlett is through.

I was just looking back. I had a discussion with Senator Symington today, who is very concerned about this, and he pointed out to me something I think is very interesting. This occurred about August of 1973 and it was about the same time, perhaps a coincidence, perhaps not, this class of 1977 was beginning at West Point. The Armed Services Committee had hearings. This committee had hearings on the falsification of reports of bombings in Cambodia, and part of that hearing record includes a letter from retired Gen. James Gavin regarding the falsification of reports which, by the way, was admitted at that time by the Chairman of the Joint Chiefs of Staff. General Gavin wrote, I quote him:

> I hope that you will persevere until those responsible are held accountable. You, no doubt, have read the Tom Wicker column of about a week ago in which he raised the question of why junior officers should be honest in their representations when seniors are not.
>
> At West Point now there is much talk about the lack of integrity among our senior officers, while we endeavor to maintain such high standards for the cadets. The effects of being permissive about falsifying reports could be quite far-reaching and widespread in the services, in time, unless it is brought under control. The Lavelle affair made a particularly bad impression.
>
> This is a bad state of affairs at any time, but especially so now when many people are beginning to feel that the Executive Branch has come a long way in the direction of achieving control of our Government.
>
> I don't know of anything more important to insure the viability of our democracy than for the military to understand their proper role in our Government,

and for the senior officers to be exemplary men of integrity in carrying out that role. So, the best of luck to you in your present endeavor.

That was Gen. James Gavin. At that time the letter to Senator Symington from General Gavin was read into the record and General Abrams, now deceased, who was Chief of Staff of the Army at that time, was asked to respond, and I think it is worth noting General Abrams' response.

Mr. Chairman, I endorse the statement about the need of senior officers to be exemplary men of integrity in carrying out their role. That is what we have to have, and that is what we must have. It has to go all the way down the chain from them. As a matter of fact, the whole thing that holds an Army or a military force together is the faith that what is reported is what in fact is happening. We originally—as an example, we did not bomb with B-52's closer than 3,000 meters to our own troops. At Khe Sanh we reduced that to 1,500. In some emergency situation we reduced it to a thousand. In doing that, the battalion commander on the ground, who was going to get the support, is the one who had to agree to it. He is agreeing to something which he is not going to see until it is up there in front of him. He is not going to hear it. He is responsible for his men, He is trusting in the faith and the discipline of whoever is running those things and whoever is flying them and whoever is pushing the button, which finally lets it go.

It is the same with the TACAIR, or with artillery, or as between one company and another company. It is part of what gives men the confidence and the will to stick it out and overcome what seems impossible. So, this whole matter of integrity up and down is fundamental. It is essential. We cannot permit it. Whether you are a West Point cadet or a four-star general, the standard has to be the same.

I think that that is relevant to the class of 1977 and to these hearings and I think that the overall recitation of the honor system and honor code at West Point is indispensable, not only to our Academy at West Point but to our national security, in the long run, of this country.

If you want to comment on that.

Mr. HOFFMANN. Mr. Chairman, I would comment that the original hearings that you refer to, the cross-border bombing hearings that were conducted by Senator Symington, I had just come to the Defense Department. I was involved in the investigation of that situation, finding out how the misreporting had occurred. I was struck at the same time by General Gavin's letter which you have read, and I would agree with you that these sorts of manifestations from the outside world have impact on perception of utility of honor at the Military Academy.

General Abrams I think has been a key factor in a repraisal of integrity and his life was dedicated to this. He was a man of impeccable, rugged, unquestioned integrity which he exuded to the whole Army, I think to the extent that we have been able today as an Army to come back from some of the practices in Vietnam which brought the certain segment of the Army into disrepute, again with respect to reporting practices, it has because of the strength and perception of General Abrams, and General Weyand who followed him.

I regard integrity as an officer's word being his bond. It is one of the sacred obligations of the trust of an officer and public servant in the U.S. Army, and I would certainly subscribe in every detail to General Abram's statement.

General BERRY. In 1974 General Abrams, then Chief of Staff, called me to the Pentagon from Fort Campbell where I was commanding the

101st Airborne Division. He told me I was going to become Superintendent of the Military Academy for 3 years. He and I discussed the Army, soldiers, battlefield leadership, the relation of the Army to the Nation, the Military Academy, and throughout this whole thing integrity was the unified theme.

So I was moved by those words of that great Chief of Staff. As he commissioned me to become Superintendent of the Military Academy, he charged me with doing this, seeing that the Military Academy and the U.S. Army draw closer together in every respect, as he put it, narrowing the bridge from the Military Academy and the Army.

Within that guidance, I believe that every cadet can go through 4 years at the Military Academy without lying, cheating, stealing or tolerating those who do, and most do.

I further believe that even as on that senior level that General Gavin and General Abrams were speaking of, where integrity is essential within the corps of cadets, whenever a cadet's leader reports all present or accounted for his platoon leader should accept that as being the truth. The platoon leader should not have to go count noses to make sure men in the squad all are present or accounted for. Whenever the cadet out on the range says all weapons are clear, one should take that as being the truth. Whenever the tank commander says I have refilled the gas tank, or the diesel fuel, I have rearmed this tank, the platoon leader should not have to go personally and count the rounds. Whenever the charge of quarters says that those who signed in at a given time, they are signed in correctly, I think that should be a statement of truth.

Here we get the close interrelationship of duty and honor. I simply cannot see a clear separation or distinction between the two. They blend together in the professional integrity that General Abrams was talking about on the four-star level and on the cadet level.

Senator BARTLETT. Thank you, Mr. Chairman.

Mr. Secretary, have you or did you discuss your proposed disposition of the EE–304 violators with the members of the cadet corps or the——

Mr. HOFFMANN. I have discussed it with members of the honor committee in the context of discussing the range of options we considered which might apply to the case if I elected to take direct action in that matter, I believe General Berry has also had some of those discussions.

General BERRY. That is correct.

Senator BARTLETT. Did you receive any concurrence from the majority of the Honor Committee or the Cadets with whom you discussed this?

Mr. HOFFMANN. They have in general indicated an empathy and understanding of the problem that I face as Secretary of the Army in terms of agreeing or disagreeing or assenting or giving approval. I would not want to characterize the reaction of those groups. As a practical matter they really did not characterize their own feelings to any great extent. We have had full free flowing discussion of various elements of many options I have discussed with them at length what I perceive to be some of the problems and asked them for their perception of their problems and the impact on the overall situation.

Senator BARTLETT. General Berry, you said, I believe, that the cadets have not been aware of changes in society as well as they might have been. I think you said this in the context of their not living up to the honor code more fully. Perhaps you might say just how you did use that phrase.

General Berry. The way I intended to put it was perhaps the institution itself has not been as sensitive to changes within society as it might have been.

Senator Bartlett. Would you mean by that that perhaps there should have been changes made in the Honor System or that——

General Berry. Here is what I mean. During the past decade there are many who describe this as truly a revolutionary decade, socially, economically, politically, all of this exacerbated by the divisiveness of Vietnam.

It was during this period that the Military Academy's corps of cadets almost doubled in size. In 1964 the decision was made to expand the corps of cadets from 2,400 to 4,400. This in retrospect may have been the most difficult time of all to expand, almost doubling the size of the corps of cadets, expanding the faculty and staff, at a time when there was so much ferment, questioning of values of authority, changing of standards, going on in the society.

Again in retrospect I am not convinced that our institution was fully sensitive to this ferment as its corps was doubling in size.

Senator Bartlett. General Berry, during the time you have been Superintendent at West Point have you made the cadets aware that they could change the system, if they wanted to and, if so, did you discuss how they might proceed to do that?

General Berry. Yes, sir, I have. It was as a result of the combined cadet officer study group on honor during the academic year 1974 and 1975 that there resulted a strengthening of the honor committee and its procedures and there came about the referendum to the corps of cadets on the issue of single sanction which was initiated by tke honor committee and which was conducted by the honor committee. So they are fully aware of these options.

Senator Bartlett. How would they change the system? There is no constitution for the honor code nor bill of rights, no regulation that I have been aware of in the testimony I have heard as a means by which it could be changed.

What I am getting at, did they really feel they could change it, and, if so, did that change have to be approved by you, which I presume it would be, perhaps approved by the Secretary of the Army, but have they been enocuraged to change it during the time which you have been there? I understand the vote.

General Berry. Yes.

Senator Bartlett. That didn't change the honor system. All that showed was very presumably a very large number were dissatisfied with the principal penalty.

General Berry. Yes, sir. Let me cite some major changes that have taken place during my superintendency, most of them stemming out of the special study group on honor.

For the first time there are published procedures according to which all of the honor committee investigating and board hearings will proceed. This is dated January 29 of this year.

Senator Bartlett. That is an action of yourself or action of theirs?

General Berry. It was an action of the honor committee but again stimulated by the cadet, combined cadet-officer study which I initiated. I initiated that on the 9th of October of 1974.

This pooled the idea and the intellect of cadets and officers, it gave guidelines for the future. Here are other changes that have taken place.

There now is underway a vastly improved education progam, directed, conducted by, developed by, the honor committee.

There have been changes in the organization of the honor committee, the additions of vice chairmen, two vice chairmen to assist the honor committee chairman.

There is a subcommittee of the honor committee which is set up to address changes within the honor committee procedures and within the honor system itself, thus regularizing what in previous years has taken place in an informal system and unrecorded way.

Senator BARTLETT. When was that set up, General Berry?

General BERRY. I don't have the exact date, Senator, but that was set up subsequent to May of 1975, the completion of the special study on honor.

There has been appointed a special assistant to the commandant for honor matters who is a mature, experienced officer working full time with the members of the honor committee as an adviser, not as a director.

There is now increased secretarial and administrative support and recordkeeping support to assist and regularize the keepings of records of the honor committee.

Senator BARTLETT. Excuse me. I suggested to the Secretary that he see that there be established a permanent office of honor at the Academy if the cadets wanted it available to them, and operating under their direction, providing secrearial work, quasi-legal or legal advice, and so on, keeping records, creating case law, in effect for the honor violations. Is that already in existence or is that in the embryo stage, and would you support such a thing?

General BERRY. I believe that what you have just described is what is now in existence under the special assistant for honor matters.

Senator BARTLETT. What I am saying is rather than have this under an officer, have this under the cadets themselves. It is their honor system. You have been mentioning very frequently, and it would seem to me they should have a cadet honor officer available to them.

General BERRY. They have that, sir.

Senator BARTLETT. They have that?

General BERRY. They have an honor committee room. Yes, they have that.

Senator BARTLETT. And secretarial help?

General BERRY. The secretarial help is assigned to the special assistant for honor matters, but it supports the cadets themselves.

Senator BARTLETT. Would it not be good for them to have whatever they need to see that records are kept, case law is developed, not through an officer but through presumably a civilian and who would be under their direction and under their guidance?

General BERRY. Sir, they have full support available now. I don't believe that those cadets can spend, can devote the full time of a secretarial assistant. We are really getting into matters of law and civil service regulations.

Senator BARTLETT. Have you encouraged the cadets, General Berry, to review all of the suggestions that have been made, say, particularly by this committee—I think there have been a number made—review those for consideration as to whether they should adopt them or not, or would you think that would be a good idea for the Secretary or you to encourage them to do? I am not suggesting any particular thing be adopted, but just so they would have available to them what I consider to be a raft of testimony, a raft of discussion, some of which I think have been excellent. But what I think about it is beside the point. I think what the cadets think about them is what is important. I am just wondering if you have or whether you will recommend to them testimony that has made a number of recommendations?

General Berry. I will indeed, sir. The cadet honor committee has just been brought back early from leave last Wednedsay night. They have been busy. We will add more to their intellectual labors here. I agree that is a good idea.

Mr. Hoffmann. Senator, I just wanted to indicate that on two occasions, including last evening when I met with the honor committee, I made to them the suggestion that it might be helpful to review suggestions and perhaps to invite people of interest and stature who had knowledge of an awareness of and thought about these matters to come and talk with them about suggestions. They seemed interested in this.

I think it is a function of their time, but they have your letters and I think a lot of the suggestions that have come out of this hearing can be summarized for them and provided to them in an advisory way so they can have the benefit of your counsel and still form an opinion.

Senator Bartlett. Have the cadets been advised that they are in a position now to proceed with any change they want pursuant to approval. I presume, by the Superintendent and the Secretary?

Mr. Hoffmann. Yes, sir.

Senator Bartlett. They have been?

General Berry. Yes, sir.

Senator Bartlett. They now know how to go about it?

General Berry. They do.

Senator Bartlett. How will they go about it?

General Berry. Exactly the way they are doing now, sir. They will have their committee systems, developing and debating proposals, eventually placing some of those before the cadet corps for vote, if they think it appropriate, otherwise they will implement them themselves.

Senator Bartlett. General Berry, do you believe you were a better instructor at the Academy during your third year or at the beginning of your first year?

General Berry. My second year, sir.

Senator Bartlett. What happened to your third year? I would assume you would have been your best in the three years you taught at your third year.

General Berry. The second year I believe is when I had my greatest zest for teaching and knowledge of the subject. The third year I was beginning to get a little tired of it and looking forward to field duty again.

Senator Bartlett. So you don't think you would have been a better instructor during the fourth year?

General Berry. I think I would have grown stale, sir.

Senator Bartlett. Do you think this is true in the normal profession of teaching, or do you think a person whose profession is education and teaching probably peaks out even after the fourth year, perhaps I don't know when, but say at least well after 15 years or 10 years?

General **Berry**. Sir, I have a father-in-law who is a teacher. He hasn't peaked out yet though he is retired. It depends upon the individual.

Senator **Bartlett**. Mr. Secretary, do you believe that the extraordinary relief you have proposed for violators of the EE-304 take-home project is evenhanded treatment for all cadets?

Mr. **Hoffmann**. My belief is that it is as evenhanded as we can accomplish under the circumstances and that it is basically evenhanded, yes, sir.

Senator **Bartlett**. Again, why is the situation with EE-304 exceptional? Surely there must have been cadets in the past who have been expelled for cheating in take-home examinations? Is it the numbers, the type of exam, or the congressional scrutiny? Could you be specific?

Mr. **Hoffmann**. It is a combination of factors that have applied to this class and to the Academy in recent times. This class since they have been there, has encountered a situation which has unique dimensions and a number of the circumstances have been testified to here. The numbers involved in the EE-304 incident is one of its indicators, but only one, the basic motivation for my moving on this situation is found in the substance of the problem itself.

The exam, the style of take-home work may have been a catalyst and may have contributed to its surfacing at that point General Berry referred to as an area of flaw in the system. There are contributing matters such as the mystique of the honor code and the gulf in understanding and communications between the honor committee on the one hand, and the faculty and staff on the other.

I think the perception that the honor process was drifting away from the corps had a lot to do with the start of a drift downward in regard in which the corps has held the system and there are other circumstances which we have outlined here that in their totality contributed to this situation.

We have been aware of congressional pressure in forming the judgment that we have taken and actions that we have described. We have been mindful of the suggestions. As I said, we have read the record. I have read the record of this committee. We have been mindful of the discussion. We have tried to fashion a remedy that was right for the institution at this time and in this circumstance without yielding to congressional pressures in other than what we thought was an appropriate way. To comment on the way the decision was made and the consultation that I have done with General Berry and General Ulmer and the many members of their staff at West Point, there were consultations and a good deal of work and the thinking that has gone into this decision by the Army staff and the secretariat, exploring options and alternatives; a number of people looking into the situation made contributions; so that taking into account the body of facts that are available to us that we have balanced the equities as best we could and we have recognized the fundamentals of the system yet intact we have not in my judgment encroached upon them while providing a remedy in this case which in its form meets the problem that we see. That is what I hope we have done. I hope it will turn out to have been constructive; we are going to continue to apply our efforts to see that it is.

Senator BARTLETT. Mr. Secretary, what will the makeup and character of the special advisory panel be and what will its function, charge, and authority be?

Mr. HOFFMANN. The charter will be to take the broadest possible look at this EE-304 incident in the context of the honor code and honor system at West Point and look also at the honor code and honor system as they are functioning and have functioned in the context of the institution as a whole. The panel itself, as I have indicated, would be composed of outstanding individuals from private life who would bring different disciplines, differing viewpoints and approaches and backgrounds to this situation. They will have a staff assistance to enable them to do a thorough job. I would expect that the study would be completed—we would hope to get it completed by early December. I have indicated that Mr. Frank Borman who is present and chief executive officer of Eastern Airlines has agreed to be chairman of that panel and I believe he will bring to it a degree of objectivity, a notion of excellence in discipline, and a vigor in pursuit of the matter that will be what should be applied to this very serious situation. It will be a broad charter. They will, of course, have to review the situation. They will be free to pursue any aspects of it that they wish to. My charge to them will be a broad one and will include a charge that their report be broad as well as deep.

Senator BARTLETT. Mr. Secretary, you say in the middle of page 8, "In short, I believe the concept of the honor system remains fundamentally sound."

After what you and General Berry have said today, which I do appreciate, which I think approaches many of the problems forthrightly, you have indicated, the way I would interpret it, you do not feel it has been fundamentally sound, you have found it fundamentally unsound. I am not trying to put words in your mouth.

Let me say this, though. I do believe, right or wrong, that the success you have in seeing that justice takes place in the cases that are already pending, on three or four, and also providing the leadership for a new system to be developed which will process violators, alleged violators in a just and fair way, and which will promote honesty at West Point and really preserve the honor code, is going to depend on your firm conviction that the present system has been unsound.

With that I finish my questions and would appreciate any comment you have.

Mr. HOFFMANN. I don't want to get into a semantic haggle with you. I think we agree from our past conversations and in our exchange today that the basics are there to build on. The system is not as healthy as it should be and in some instances in its application it has proved to be unsound and uncertain. What we are aiming at is an overall restoration of the system and I hope you would agree with that.

It is not so fundamentally unsound that there is nothing there to build on, is what I am saying. But it has during this period such manifestations as you have called attention to—a degree of inflexibility, a lack of support in the educational base—shortcomings in support in some of these things. I don't regard those as fundamental because they can be redressed.

The concept of an alternate sanction, I think, is sufficiently fundamental that the corps should address it, but there are honor systems like ours that we enjoyed at Princeton and one I was under in the University of Virginia that still retain single sanction, so I don't think that is a basic fundamental. It is fundamental in how it is changed, but I don't think there is a flaw in the system that means the system can't work without that mitigation at the end.

As General Berry has pointed out, there are instances where discretion is applied during the process in the cadet process of honor violations coming to light.

Senator Bartlett. Mr. Secretary, thank you.

General Berry, I thank you very much.

Mr. Chairman, thank you.

Senator Nunn. Thank you, Mr. Secretary.

General Berry, thank you.

We will conclude these hearings at this time.

Mr. Hoffmann. Thank you, Mr. Chairman.

[Whereupon, at 6:00 p.m., the subcommittee adjourned, subject to the call of the Chair.]

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HONOR CODES AT THE SERVICE ACADEMIES

HEARINGS
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SUBCOMMITTEE ON
MANPOWER AND PERSONNEL
OF THE
COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE
NINETY-FOURTH CONGRESS
SECOND SESSION

OCTOBER 21 AND 22, 1976

PART 2

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RECORD AND MOORE TRIP REPORT—WEST POINT

BACKGROUND

At the request of the Chairman of the Subcommittee on Manpower and Personnel, Mr. Jeffrey Record and Professor Robert Moore visited the U.S. Military Academy at West Point on 21 and 22 October, 1976. Mr. Record is the Legislative Assistant for Military Affairs for Senator Sam Nunn; Professor Robert Moore, the coauthor of *School For Soldiers: West Point and the Profession of Arms*, is an Associate Professor of Arts and Humanities at the University of Maryland and a consultant to the Senate Armed Services Committee.

The purpose of the visit was to obtain a sampling of opinion from those cadets who so far have not been implicated in the Electrical Engineering 304 home study cheating incident or in subsequent affidavits and allegations of Honor Code violations.

It was the view of the Chairman of the Subcommittee that recent hearings conducted on the cheating scandal by both the Senate and House Armed Services Committees had not provided an opportunity for unimplicated cadets to express their views on the scandal and on the more general issues relating to the Honor Code and operation of the Honor System.

Mr. Record and Professor Moore tape recorded in-depth interviews of 45 minutes to an hour with 14 cadets and talked informally before, during and after meals with about 20 other cadets. The in-depth interviews were conducted in complete privacy and interviewees were guaranteed that they would not be associated by name with their individual remarks. The 14 cadets were selected by Record and Moore from a list of unimplicated cadets supplied by West Point officials. Nine of these 14 cadets had been previously identified by Record and Moore as "straight" cadets who were articulate and indisputably pro-West Point. The remaining five cadets were selected at random by Record and Moore. The 14 cadets come from all four classes and the four cadet regiments. They include male and female cadets and they represent differing ethnic, racial, religious and geographical backgrounds.

Verbatim excerpts from the interviews are given in an appendix of this report.

FINDINGS

Confusion Over Honor Code

Although the cadets interviewed generally expressed strong support for the Honor Code, their spontaneous comments about daily life in the Corps demonstrated that the Code was not followed to the degree cadet rhetoric suggested. For instance, the cadets almost unanimously asserted that it was possible to go through 4 years at West Point without ever violating the Honor Code—"A cadet will not lie.

cheat or steal, nor tolerate those who do." Yet, all but a few cadets expressed varying degrees of confusion over what the Honor Code required in certain instances. Cadets were particularly confused by what constituted an honor violation in situations where the Honor Code is used to enforce cadet regulations. Cadets also readily acknowledged that their toleration of an honor violation is greatly influenced by factors such as whether the violator is a friend or stranger, a roommate or classmate, an upper classman or lower classman, an outstanding cadet or a mediocre cadet.

Changes in the Honor System

Most cadets interviewed expressed strong support for the procedural and organizational changes in the Honor System which were subsequently approved in a November 9, 1976, cadet referendum. Cadets expressed less support for the concept of intermediate penalties for honor violations, and a subsequent cadet referendum on December 9, 1976, failed to approve intermediate penalties; consequently, expulsion remained the one and only penalty for any and all honor violations.

Cheating on EE 304 Project

The cadets expressed almost unanimous shock and dismay at the magnitude of the cheating on the Electrical Engineering 304 home study project. As a direct result of this incident, most interviewees believed that unauthorized collaboration on home study projects was probably widespread in recent years. The cadets could identify no common trait which characterized their friends and acquaintances who were convicted of cheating on the EE 304 project.

Opposition to Berry and Hoffmann Actions

Most cadets interviewed expressed resentment against Superintendent Lt. Gen. Sidney B. Berry's substitution of Internal Review Panels for the Cadet Honor Committee last spring. All but two of the cadets interviewed also voiced strong opposition to Secretary of the Army Martin Hoffmann actions of 23 August, particularly his waiver of the traditional penalty of permanent expulsion of cadets who had been found guilty of cheating on the EE 304 project.

The Honor Code and the Army

On the issue of the relevance of West Point's Honor Code to the Regular Army, cadets who had experience either on active duty or in a summer assignment with a Regular Army unit unanimously expressed frustration and concern, not only over the prevalence of lying and stealing among enlisted men in Regular Army units, but also over what they preceived as the apparent indifference of many officers to such practices.

A SUMMARY OF CADET RESPONSES

The following represents a summary of cadet responses to the questions asked of each of the fourteen interviewees:

The Concept of an Honor Code and System

- *Question 1. Prior to coming to West Point, what were your expectations with respect to the Honor Code and System?*

A majority of cadets interviewed were well aware, prior to coming to the Military Academy, that West Point had a stringent Honor

Code, although few understood much about the Honor System—the system by which the Code is applied to a cadet's daily life.

● *Question 2. Has your understanding of and attitude toward the Honor Code and System changed since you entered West Point?*

Most interviewees stated that their understanding and attitude had changed substantially since they had entered the Academy. As a result of the intensive indoctrination they received in the Code and System during "plebe summer," most cadets began their first year with a strong respect for, and frequently fear of, the Honor System. But after a year or so, they discovered a lot of gray areas in which the definition of "an honor violation" was not always clear. Other cadets spoke of the problems created by the toleration clause, most cadets experienced difficulty in turning in a friend or an outstanding cadet for an honor violation.

● *Question 3. Was there an honor code or system in your high school? How does it compare to that at West Point?*

All but two cadets stated that they were unaware of an honor code or system at the high schools or prep schools they attended prior to coming to the Academy. A majority asserted that cheating was rampant in their high schools or prep schools, and some admitted that they themselves had cheated or had been involved in activities which at West Point would be considered violations of the Honor Code.

● *Question 4. Do you think the Honor Code is used to enforce regulations? Do you think it should be?*

Without exception, all interviewees believed that the Honor Code at West Point is used to enforce regulations, most of them citing the use of absence cards as the most prominent example. On the issue of whether the Code should be used to enforce regulations, however, cadets were evenly divided. About half believed the Code should be used to enforce regulations because they saw no moral distinction between compliance with regulations and allegiance to the principles embodied in the Honor Code. Others believed that the principles of the Honor Code were degraded when used to enforce what they believed were petty regulations. Still others stated that the question of honor was an intensely personal matter between an individual and his conscience and favored a complete separation of the Code from regulations.

Cheating on EE 304 Project

● *Question 5. With respect to the EE 304 home study project, we have some general questions. If other home study projects (on which "individual work only" was required) had been examined last year, in how many instances do you think unauthorized collaboration could have been discovered? In what specific courses and on what kind of exams? Why do you think this collaboration occurred or may have occurred?*

A majority of the cadets felt that cheating of the kind that took place on the EE 304 home study project was not confined to that particular exercise. Most said they were shocked and dismayed by the magnitude of honor violations surrounding that assignment. They said that because of it, the conclusion was inescapable that unauthorized collaboration was probably widespread on similar home study projects last year, particularly among members of the Class of 1977.

Cadets also noted other factors which contributed to cheating on this assignment such as the difficulty of the course, the approved pattern of authorized collaboration in preparing daily assignments, the rote manner in which it was taught and the general perception that EE 304 was irrelevant to one's future Army career.

● *Question 6. Do you think the Superintendent's substitution of Internal Review Panels for the Cadet Honor Committee was justified as a means of resolving the current scandal?*

A large majority of interviewees expressed strong resentment against Gen. Sidney Berry's substitution of Internal Review Panels for the Cadet Honor Committee last spring. Although some cadets conceded that the magnitude of the EE 304 cheating incident and pressures for a speedy resolution of it placed the Superintendent in an uneviable position, they nevertheless concluded that the substitution of Officer-dominated Internal Review Panels for the Cadet Honor Committee seriously weakened the legitimacy of the Honor Code and System in the eyes of the Corps of Cadets.

● *Question 7. Do you think the Secretary of the Army's actions of 23 August to resolve the current scandal helped or hindered the situation?*

All but two of the cadets interviewed also voiced strong opposition to Secretary Martin Hoffmann's actions of 23 August, particularly his waiver of the traditional penalty of permanent expulsion of cadets who had been found guilty of cheating on the EE 304 home study project. Cadets resented the fact that "the rules of the game" had been changed "in the middle of the seventh inning". The consensus of opinion seemed to be that those who collaborated knew precisely what they were doing and understood the risks of their actions. Members of the Class of 1978 were especially adamant on this issue, and were openly hostile to accepting into their class guilty cadets who may apply for re-admission to the Academy after a 1-year suspension.

Honor Among West Pointers

● *Question 8. Do you think a young man or woman of 17 or 18 years of age can be indoctrinated, trained, or socialized into a person of absolute honor, a person who will never lie, cheat or steal or tolerate those who do?*

The majority of cadets seemed persuaded that a young man or woman of 17 or 18 years of age "could be" trained, indoctrinated or socialized into a person of high moral standards, although many conceded that this could be done only if the individual arrived at West Point already predisposed to such standards.

● *Question 9. How would you characterize the cadets you have known who were separated from West Point because of honor violations?*

Although this question provoked some revealing tangential responses, the 14 interviewees could not identify a common trait or characteristic among those of their friends and acquaintances implicated in the EE 304 exercise. In fact, some cadets felt that those who cheated represented a virtual cross section of the Corps of Cadets while others believed the problem was indigenous to the Class of 1977.

● *Question 10. What is your view of the character, integrity, impartiality, and representativeness of the Cadet Honor Committees with which you have been familiar?*

Interviewees were about evenly divided on the character, integrity, and impartiality of the Honor Committee representatives whom they knew. Some believed that the Honor representatives were above reproach; others felt that in some cases they were as guilty as those upon whom they passed judgment.

● *Question 11. Do you think it possible to complete 4 years at West Point without ever committing an honor violation?*

All but two interviewees contended that it is "possible" to complete 4 years at West Point without ever committing a single honor violation, although many answered this question with "what is an honor violation?" There was considerable confusion as to what constituted an honor violation and what did not. Cadets from different classes apparently have received varying instructions and interpretations about these matters. All but a few cadets vigorously defended the absoluteness of the code when asked point blank about it in this question and question 13. However, their own extended responses to these and other questions suggested that an absolute adherence to the Code is impossible. But most cadets seemed unaware of the contradiction between their rhetoric and their self-reported actions as members of the Corps of Cadets.

● *Question 12. How do you think West Point's conception of honor compares with that of the Army as a whole? Is West Point's relevant to an Army most of whose officers are not West Point graduates?*

A strong majority of cadets believed that West Point's conception of honor is higher than that which prevails in the Army as a whole, and saw West Point graduates as setting the example for the Army in this regard. A minority rejected this view, claiming that the performance of many prominent officers in Vietnam demonstrated that West Pointers were just as vulnerable to moral failings as were OCS and ROTC graduates. Cadets who had experience either on active duty in the Regular Army or in a summer assignment with a Regular Army unit unanimously expressed frustration and concern, not only over the prevalence of lying and stealing among enlisted men in Regular Army units but also over the apparent indifference of many officers to such practices.

Changes in Honor Code and System

● *Question 13. Would you change the Honor Code? In what way?*

Few interviewees expressed a desire to change the written Honor Code, although two or three believed that the toleration clause should be either dropped altogether or rendered more flexible in application.

● *Question 14. What is your view of the Code's "toleration" clause? Would you change it? Do you favor giving cadets greater discretion in reporting honor violations, as is the case at the Naval Academy at*

Annapolis? Do you think nontoleration is applied equally to friends, strangers, roommates, classmates, lower classmen, upper classmen, etc.?

Not a single interviewee believed that toleration was applied equally to friends, strangers, classmates, roommates, lower classmen, and upper classmen. Many were convinced that the Honor Code is often used by upper classmen to rid West Point of plebes and lower classmen they don't like. Some cadets also contended that the lack of a stringent toleration clause at the U.S. Naval Academy meant the Annapolis Honor Concept was much weaker than West Point's Honor Code and System.

- *Question 15. Would you change the Honor System? In what way?*

With few exceptions cadets voiced strong support for the procedural and organizational changes in the Honor System which were then under discussion in the Corps of Cadets. These changes were approved in a referendum on November 9, 1976 by 85 percent of the Corps.

Elimination of Officer Boards was a particularly attractive proposal to the interviewees, although several were opposed to dropping the requirement for a unanimous vote of the Cadet Honor Committee to "find" a cadet guilty of an honor violation.

- *Question 16. What is your view of separation as the one and only penalty for any and all honor violations? Would you favor a system of intermediate penalties?*

A majority of interviewees opposed the absolutness of the single sanction system and favored some selective discretion, particularly in cases in which the honor violator turns himself in. A minority felt that discretion should also be applied in cases of plebes who could demonstrate ignorance of the Honor System.

Beliefs About Honor and Higher Loyalties

- *Question 17. What percentage of cadets really believe in the Honor Code? In the Honor System?*

All interviewees believed that a substantial majority of the Corps of Cadets, ranging from 80–100 percent, believed in the moral principles embodied in the Code. A smaller majority, ranging from 50–90 percent, was cited as believing in the Honor System.

- *Questions 18 and 19. What were you told the purpose of this meeting would be? Have you discussed your appearance before us with anyone?*

Few cadets, prior to the interview, were informed of the purpose of the interview, although some did discuss it with their Company Tactical Officer or roomates and classmates before arrival.

- *Question 20. Which do you think is the higher loyalty, loyalty to the Army and country or loyalty to your individual conscience?*

All but a few cadets said they believed loyalty to one's individual conscience was a higher loyalty than loyalty to Army and country. Many were cognizant of of the USMCJ's distinction between lawful and unlawful orders and cited the Vietnam experience, especially My Lai, as illustrative in this regard.

APPENDIX

INDIVIDUAL WEST POINT CADET RESPONSES TO RECORD AND MOORE INTERVIEWS OF OCTOBER 21-22, 1976

The verbatim excerpts given below are drawn from confidential, in-depth interviews of fourteen West Point cadets. The interviews were conducted by Mr. Jeffrey Record, Legislative Assistant for Military Affairs for Senator Sam Nunn, and by Professor Robert Moore, a Consultant to the Senate Armed Services Committee. The interviews were conducted by Mr. Record and Professor Moore at the United States Military Academy, West Point, New York, on 21-22 October 1976. Transcripts of the taped interviews were prepared by Professor Moore, and the excerpts were selected by Professor Moore to reflect the range of cadet responses to the questions.

We have assigned, at random, a letter to individual cadets so the reader may follow a cadet's response to a number of different questions. For instance, Cadet A refers to the same cadet throughout the selected excerpts that are given below.

The Concept of an Honor Code and System

- *Question 1. Prior to coming to West Point, what were your expectations with respect to the Honor Code and System?*

CADET A:

"I personally never needed to cheat or steal or have any real need or desire to lie, so for me the Honor Code was not something that was new. This is not generally true for many people—from the things I've heard from many people. My roommate and a guy I was talking to last night—they both said that if the Honor Code wasn't here, my roommate said he would probably be cheating when he was in college, and this other person said, 'Well, I used to steal and lie and cheat all the time, you know, before I came here.'

"For some people perhaps it [Honor Code] isn't necessary. For myself I feel it isn't and really wasn't anything I had any expectations about. I just felt it was something that was personal; that each individual did; that was an individual responsibility.

"The thing that surprised me when I came here was its institutionalization [through the Honor System]. It was enforced and actually to a large degree mystified by the institution and was something which produced a lot of anxiety for many people and a lot of fear because it was possible at times under certain circumstances for a person who was innocent to be convicted. And this has happened. Particularly, when you are a Plebe, there is a big pitfall.

"Of course, things have changed now with the new class. They've made a lot of changes in the Fourth Class system. But when I came in, and, of course, in years previous, it was very, very possible that an individual, if disliked by upper classmen, they could set up a situation *where they would literally* frame him."

Cadet B:

"Of course, you would never have to worry . . . because no one would ever lie, cheat, or steal; so, it would never come up. . . .

"The system seemed quite easy when you looked at it in old movies. The problem is what always seemed black and white, when you're thinking about it, is much harder to live with because there are so many gray areas. There is a lot more to it than one would think living outside the system."

Cadet C:

"I expected quite a bit more, you know, with an Honor Code and stuff like that. When I got here my first year, it seemed everything went about as I thought it would about the honor and all that. You never heard too much about anyone cheating or anything like that. After I got here I realized that my expectations had been a little bit high. I realized that they still had cheating—they still had a little bit of lying and they still had everything going on here."

Q. What kinds of things?

"How do you mean that?"

Q. Well, I mean things like the line between "cadet borrowing" and stealing.

"Well, like cadet borrowing. People take things from your room without asking. They may intend to return it, but you may never see it again. There are cadets around here who do steal. I've had some things taken at different times."

Q. What types of things?

"I've had a pair of gym shoes ripped off and I've had several tapes and albums taken."

● *Question 2. Has your understanding of and attitude toward the Honor Code and System changed since you entered West Point?*

Cadet A:

"An incident (during my Plebe year) occurred where we would go down these steps into separate lines, and these steps are very, very narrow; and when you are a Plebe, you have to walk at attention and square corners, and especially during Beast they make you run, and they yell and scream at you a lot. So, everyone was running down the stairs; it was very congested; and everyone was carrying their laundry out. An upper classman, a first classman, was standing in the stairwell, and everyone was clogging it up, and someone hit this first classman and pushed him, and he fell.

"And for some reason he grabbed this guy and began yelling at him, accusing him of doing it; and he didn't do it, and I saw that another kid had accidentally hit him—like everyone was like pushing, and he had hit this first classman. Well, they accused this cadet of doing it, and the kid said: 'Sir, I didn't do it.' And he was yelled at quite a bit. So, they were going to take this person, after having notified his squad leader, with this first classman not having really known who did it—just singled this guy out; and the squad leader went along with him, and everyone tried to throw him out, saying that he was lying and that he did it.

"What happened was this guy came to me and said, 'God, they're gonna throw me out. . . .'

"I explained to him that, 'Well, I saw what happened. It wasn't you that hit him.' And he goes, 'Oh, great.'

"So, he told the squad leader that he had a witness to the incident—and that it was me. The squad leader became very upset with me, because he didn't want this guy around.

"Consequently, he called me out in front of maybe four or five of the first classmen standing around and just began yelling and screaming very uncontrollably. [This] took me totally by surprise; I didn't expect this. I didn't have time to get nervous, and they eventually had to take the first classman and drag him into the room because he was going to hit me because he was so upset. It was really bad. But they didn't throw him out yet because I was there.

"I think probably if I hadn't stood up and said, 'Yes, I saw it happen,' they probably could have thrown him out."

Cadet D:

"As a Plebe, if anything else, you feel a fear of the system. The thing that is emphasized is that you're gonna get kicked out for it. During Beast the feeling is that it is going to get you. And I think this is wrong. But later during the year you develop almost a curiosity about it. Honor is such a scary thing that you don't really test it, but you are curious about it, and you wonder where the limits are. Just how far you could go in testing its limits. And by the time I was a yearling, I had a real respect for the system; and, it was something that no one played with."

Cadet E:

"In my first few years, I felt I adhered to everything strictly. I still do adhere to everything strictly. However, in light of the present situation, I have begun to modify my feelings on toleration. But that's the only point of the code that I have had any modification at all."

Q. How do you modify?

"I no longer feel that in every case of toleration that separation is the right sanction. Up to now if you tolerated, you are automatically expelled. Well, I don't feel that in every case this should be the case. I feel that there are an awful lot of very good people who are being thrown out of West Point. I think simply because they put personal loyalties in front of their honor concept, which is a very difficult decision in my opinion.

"I had a friend who (once we were reshuffled we were put in different companies, and one of the people in my company) was up for honor, and he didn't actually cheat—he only tolerated. Now this person had started going through the summer training program, and he was a cadet captain, which is the highest level that a cadet can attain. He obviously, just from that was very proficient in his military skills, and that was also indicative of just the fact that he was an outstanding person to begin with. As I got to know him, I also realized that he was quite an outstanding person, and I would really like to have him any time in my unit.

"Well, I found out that he was involved in honor and not for cheating but for knowing that a large number of people in his company did.

And from the way he explained it to me, the classmates in his company were very close knit. . . . He said that they were so closely knit that for him to go and tell on that many of his classmates in his company was—he just couldn't think of doing something like that.

"This person was expelled from the Academy solely because he knew of something like that happening, and I feel the Army lost something; it really did. He may have known that these people were cheating, and that's not right, and he should have reported it. But it's a very difficult decision to make, and I don't feel that making maybe the wrong decision is grounds for dismissal. . . .

"If you were to drop the toleration clause, you would lose a very important aspect of the Code. However, all I am saying is that toleration does not necessarily, or should not necessarily, merit dismissal from the Academy. There are extenuating circumstances, like in this case the entire company was very closely knit, and they felt strong loyalty to each one, so maybe they felt they could overlook this, an evil, in a couple of the classmates. However, there are instances whereby toleration is, I think, inexcusable."

Q. Is your thinking influenced by the fact so many people were involved?

"It's not the fact that there were so many people; it was the fact that they had such a close relationship with each other. The way I understand it, he had to make a decision on the value judgment as to whether or not he should disregard personal loyalty and friendship he had developed over the years. He had put that . . . and opposing that was his honor concept, 'Well, should I turn the guy in if I know he has cheated at one time or another or lied?' "

Q. But it was lots of guys?

"Yes, Sir, I believe it was.

"One other thing I would like to point out to you, I don't necessarily feel that toleration, even in that circumstance, is guilt-free. I feel that definitely he was in the wrong, and he should be punished for it, but I just felt dismissal from the Academy was too severe."

Q. Did you feel this way particularly because he was so outstanding in other respects?

"Yes, Sir."

CADET I:

"Yes, it has . . . considerably. My biggest reason, one of my reasons is, in light of the things that have happened in the past months, it seems that the honor system is more of a goal. It's almost human nature, I guess, to lie, so to speak. And, I guess how it is seen here, is there are degrees of deceit. Like if a person puts his blanket over a window to hide the fact that he has his lights on after 'call to quarters', that isn't considered 'honor.'

"Although the way I look at it, it's still deception because you're trying to deceive somebody—that you don't have lights on—and you're putting a blanket over your window. They don't consider that honor. Whereas a person will go off post and mark his card 'on limits' and your absence card is making a statement, 'this is my presence, where I'm supposed to be.' They consider that honor.

"Now, in my opinion, there is no difference between a white lie and, say, a big lie, or black lie, whatever you call it. To me, a lie is just a plain lie. So, I see kind of points of contention there, like what do you consider a small lie? What do you consider a large lie?

"I'm thinking of one person in particular who did 18 push-ups and said he did 20 to pass a certain test, so he wouldn't have to take it over again. And, he turned himself in . . . they probably never would have found out about it at all. He says, 'I did 18 push-ups and I said I did 20.' And, so they found him on honor and he was kicked out. And, it seems to me that when a person turns himself in, he should be the type of person we'd want to keep. So, I'd like to see discretion in the Honor Code, at least some method of giving the person another chance if he turns himself in. It just seems to me that guy is more honest than someone who trys to deceive the system and he gets caught doing it."

● *Question 3. Was there an Honor Code or System in your high school? How does it compare to that at West Point?*

CADET B:

When asked how he adjusted to the prohibitions against cheating at West Point, he replied, "I had a hellacious time in the courses I was weak in. I came in here with 'zero background' and I went on AI [Additional Instruction] and that's how I got by with a 'straight C' average.".

CADET D:

"Had [in high school] a feeling—that's not right. That you're being evaluated on my work and not your own. And [at West Point] I feel a cadet who would cheat using my work would not be evaluated on his own work and that is just not right. . . . I have two devotions right now. One, is to be an officer and the other is to maintain honor. And they are prime in my life right now."

CADET E:

"I never cheated while I was in high school or grammar school so it wasn't that much of an adjustment for me. The only adjustment I had to make was to the Toleration Clause because naturally I knew a lot of it was going on in high school."

Q. Why didn't you say anything in high school?

"Well, I was just going to get on to that. I think in a society there is a great emphasis put on personal friendships and loyalties. And in the military, you obviously need to have a very strong duty concept which is not necessarily the case in the civilian life. So I feel that maybe in the civilian world friendships and loyalty should come before duty because in the civilian world you're not dabbling with the lives of people if you're not completely honorable. And in the military you would be at times. So, it's just a matter of what situation you're in at the time. In civilian life toleration doesn't mean anything at all."

● *Question 4. Do you think the Honor Code is used to enforce regulations? Do you think it should be?*

CADET A:

"Definitely. Particularly, one of my greatest complaints about it is when I was first here there was a mixing of regulations and honor. And I'm sure you've heard this complaint already where there are certain things that are—'the regulations.' If you break them, they are regulations and Honor; some things are just regulations. And you have to know the difference. Particularly with the absence cards. I'm sure you are familiar with that—marking the cards. I just can't believe how it is enforced that way."

Q. What is your objection to that particular . . . ?

"The Honor Code I believe is a personal thing and the institution should not use it—use a person's honor against them to enforce their regulations, which in many instances are Victorian, out-dated; and, don't serve any real purpose except to repress individuals. But, that to a degree, is necessary. You have to do that to a degree but not necessarily define them as sharply as they have been here.

"I personally felt very bad when I found out that you have to mark a card; and, if you don't do this (because they're trying to enforce the regulations), you're breaking your word. I just couldn't imagine that they would do something like that—and they do. I can see where that caused a lot of conflicts. My Tac, . . .—he even admitted that, 'Yes, they do use honor to enforce regulations in some instances.'

"They also use honor to enforce what is known as 'duty.' Well, if you have a duty to perform, they make it such that—they design the regulation so that there is such a heavy penalty—say walking the area—that you come down to a choice of either, 'well either I do it;' or say if you come to a situation where you didn't do it for whatever reason, no excuses are accepted.

"You have to make a decision, 'Well, should I break, should I lie—break the Honor Code?' Or, 'should I accept this heavy penalty which I feel is unjust?' 'Should I take the chance of perhaps getting away with it by breaking the Honor Code (no one knows about it), or, should I take the slug?'

"And, I can see where situations can arise, I'm sure they probably do, where a person who is going to make that decision and can rationalize in his mind that 'Well, you are dealing with a certain set of regulations' which he feels is not just, therefore, he is justified in breaking, for his own survival, breaking the Honor Code. And many times it comes down to that.

"Academics sometimes comes down to that also. Should I—'Okay, I'm about to flunk out—if I cheat, I'll probably be able to get away with it, to pass.' The academic system many times is felt to be unfair."

CADET B:

"One of the problems is that people hesitate to ruin someone's career for some minor violation of regulations that gets tangled up in the honor code. You end up saying, 'What is the importance of the violation?' And I think every cadet in his mind establishes a certain limit and it may not be the same as other people's limits are.

"There is a gray area between what is a lie and what is not a lie. Everyone has a limit about how far they will let someone else push them before they will turn them in. . . . A lot of the problem comes from the fact that it is all so absolute and there is only one penalty. It is hard to turn a friend in for stealing a pencil that is worth a penny when turning him in may ruin his career. . . .

"And another problem which arises when a person does not turn his friend in [for stealing a pencil worth a penny] is that—by not turning his friend in—he has already violated the honor code. . . . Once you are outside the system, then there tends to be no limits on what you will tolerate. Because in the eyes of the system, you are as guilty for not turning a friend in for stealing a pencil as you would be if he stole a hundred dollar bill."

Cadet C:

"I imagine you've heard about the cards and everything like that. Just this year they have put in a new thing. Before you didn't have to mark the cards and tell where you were, like for instance Saturday afternoons were free and basically you could do—you could leave post if you could get off without getting caught. And Sundays, but now you can't do that anymore because you have to mark your card and that's an honor [violation] if you do that."

Q. Do you think it should be used—I mean do you think honor should be used in something like the absence cards?

"Well, I think a person should be honorable. But the way the honor code is set up here where a person can get thrown out automatically, I think it's wrong to use that against them. To use fear of being thrown out to stop them from cheating or to stop them from leaving the post. I feel a person should be honorable. If they ask them, 'Did you leave the post?' The person should say, 'OK, yes I did.' "

Cadet D:

"A lot of people say a jury system is not fair because a man's honor is a personal thing. But it is not in the military and that is a distinction to be made. In the military you have too much control over another man's affairs. And I really see that as a great distinction. . . . Whether or not I am honorable will mean the lives of the soldiers in my platoon and of the soldiers next to my platoon out in the field. . . .

"It is no longer a personal affair, it is a societal affair. At West Point the honor code becomes a society determining whether one man's standards are adequate to maintain his position in the society. If they are not, then they choose to not have him in the society.

"The way I look at honor is that you are not suppose to try to change yourself to meet the code. That's why I never worry about their honor regulations or whether this is honor, or that is honor. I just try to maintain my personal honor. And if I don't fit, they'll tell me I don't fit. And I'll leave. And if I fit, then this is my career. If you don't look at it this way, you're either in for a great deal of frustration, or you're not very honest."

[When asked about "bed stuffing," i.e., putting items in one's bed to conceal one's absence] "It depends on the attitude with which they do the bed stuffing. I think you have to look at the personalities involved. . . . If they have the intent strictly to deceive someone, it is a valid area for an honor violation."

Q. How do you determine intent?

"The best you can do, as I see it, is through a jury system. A basic precept of our nation up to now has been the jury system. . . .

"One problem [at West Point is that] when you codify the Honor System, you take out the personality of the system . . . When you start drawing lines, especially with the general caliber of people who come here, all you are doing is leaving open areas rather than establishing a standard of honor or maintaining a standard [of honor]; drawing such lines actually loosens up the honor code and system."

Cadet E:

"Sir, at times it is, but I think cadets make too much of this at times. I'm not going to say it never happens, but I don't think it happens as much as some cadets claim."

Q. What is an example, from your own experience, where the line is very thin?

". . . . Well sir, for instance, you have probably heard of the absence card where you mark your absence card before you go out. Well, it's in regulations that you will mark your absence card. However, if you do mark your absence card and you go off post, you are committing an honor violation. Therefore, the regulation is precluding you from doing something—it will automatically make it an honor violation if you break that regulation. And if you don't mark your card and go off post, then you might as well just turn yourself in to the Tactical Department and say, 'Yeah, I went off post.'

"So really they are leaving you no recourse—no escape route. That's the view that pervades the Corps. But the way I see it is, if you're not going to do anything wrong, why should you be afraid of anything? I mean I'm not saying it is right to use your honor against you, but if you're not gonna do anything wrong, why should you worry about it in the first place? It is a regulation and you shouldn't break the regulation.

"Now, maybe this regulation could be reworded or somehow modified so that they wouldn't be using your honor against you. When I said that sometimes I feel that cadets make too much of it, they are automatically saying: 'It's wrong to be using honor against me. I should be able to break regulations without having—I should be able to take a chance and break regs without having honor come down my neck!' But you shouldn't break regulations in the first place. If they would keep that in mind, I don't think you would hear that quite so often."

Cadet F:

"Sir, in some instances I can see that it could be that. That's the controversy right now that a lot of my classmates are grumbling about. . . . I think that a lot of people (and I have taken it as an offense) are offended by the new regulations, such as, you have to mark your card like on Saturdays and Sundays—starting at 0600 on Sunday and at one o'clock on Saturday afternoon—seems sort of ridiculous having to say, 'OK I'm on limits all day! It seems sort of ridiculous."

Q. You don't think it should be used to enforce regulations?

"No sir."

Q. Why have they made that change, this particular change you speak of?

"Sir. I'm not really sure. They've never said anything about it."

Q. The effect of it is keeping closer tabs on where you are?

"That seems to be the effect of it."

Q. So you are held accountable for reporting yourself, for reporting your own whereabouts?

"Right."

Cadet G:

"To a certain extent, I think it has to be, sir. Because when it comes down to the point of using it in the manner of (and I saw this in my company when I was a third classman) when an officer walks through the ranks at breakfast (we had our gray jackets on) and he asked each man 'Do you have a necktie on?'

"If he had asked us to unzip the jacket and he had then inspected that would have been perfectly legal. But he asked us to incriminate ourselves. According to the Honor Code, we have to give the correct answer. And he proceeded to write somebody for it. Cases like that, they try to avoid. We are supposed to be able to answer a question, and we couldn't.

"But as far as the honor code—if I sign out on a leave blank or in a departure book that I am going to such and such an address or I can be reached at such and such an address and phone number and I put the wrong one down, I would be court marshalled in the Army. And it would be a false official statement; it should be a lie here.

"As far as marking our absence card, when I leave my room, if that substitutes for signing out in the departure book, it is the same thing as my legal signature. I can see nothing wrong with taking a statement or report or whatever that has to be made according to regulations that is deliberately falsified, I see nothing wrong with calling that a lie because that is expected of us in the Army and it is expected of us here."

CADET H:

". . . . People cite all kinds of specifics on that, I really couldn't tell you. I imagine . . . what do you mean by 'used to enforce regulations?' People ask me that all the time, cadets do? People say that it is."

Q. Does the "absence card" involve using honor to enforce regulations?

"Well, it is not really a regulation. Well, I guess it is a sort of regulations to mark your card. I guess the absence card, well . . . I guess originally . . . the reason I was told they started using the absence the card is just it was a lot easier, you know.

"If you didn't use it they would have to have a sign-out book, so that whenever I came over to the library at night I'd have to sign out in a book. So it wasn't until later . . . I guess if a person wants to go AWOL at night, it is quite a temptation. And he goes against his honor, or he doesn't go AWOL. And I guess in that respect it is using regulations to a certain extent.

". . . to me, if you have an honor code, I am kind of against breaking up honor code into a laundry list kind of thing where you apply it in certain instances. To me, what I try to do is just kind of live by a code that is just in me sort of thing. So that whenever I do anything from day to day I want to live as much by an ethical code as I have tried to develop as possible. . . . I am not going to be untruthful to evade regulations. And, if certain regulations require you to be truthful, then that's what I have to do."

CADET I:

"Yes, it is. I can think of one particular incidence. We used to mark our card on Saturdays after 8:00 p.m. Now, they are having us do it after last class. That's to keep people from going off, on what we call, 'mini-weekends', going off post and then coming back by 2000 hours [Saturday]. You've been off limits technically. This has been going on quite a bit; but, now if your card is marked all afternoon, you can't do that. Because that's honor."

Q. What if you don't mark your card at all?

"If you don't mark your card at all, it's just regulations; and, if you go off post you get caught, it's just regulations. Now if you go off post and your card is marked 'on limits', then that is an honor violation. . . .

"[Intent to deceive]—That's the big point on honor. That's why a lot of honor boards last so long. The thing that has to be proven: 'Was their intent to deceive?' And that is what is so hard to prove. You have to figure out beyond a shadow of doubt if his actual intention was to deceive."

Q. How do you figure the intention beyond a shadow of a doubt?

"You question the person vigorously over and over again. You question people who might have been around at the time. You try to get as many opinions as you can. I think that if twelve different people perceive a person to deceive, or not to deceive—you know that's a lot of variables one has to consider."

Q. Do you think it would be good not to use honor to enforce regulations? To keep the two separate?

"I think it's good to use honor to enforce regulations. And the reason I say this is because regulations were put there to be obeyed. It seems that it is turning out to be a test of 'Well, how many regulations can I break?' You know, we're being trained here to be officers and to be honest officers. It seems to me that it shouldn't matter if they do use honor to enforce regulations. Regulations are there to be used as a guide for behavior. They are not there for someone to say how many can I break. You know, let's take a sum total. I broke this, this and this, etc. regulation: therefore, I'm a he-man and I deserve a pat on the back from my buddies who do the same thing.

"The system is there for a purpose and I think that their argument is that you shouldn't enforce regulations with honor. I think that indirectly they're saying, 'Well, you're making it harder for me to break regulations.' And I think they're wrong in that point for instance."

CADET J:

"To an extent."

Q. Do you think it should be?

"No. I don't think it should have any part of regulations, but the improper question routine has always been an issue since I can remember. It is used. I don't think the honor committee, in the briefings they give us they say that if you are asked an improper question (and any disciplinary action comes as a result of it) to notify them and they can take care of it."

Q. So you don't think that absence cards should be a matter of honor?

"I don't really regard the absence card . . . OK. The absence card, the purpose that the upper echelons will give for it is that it is accountability which I can see possibly a need for. And, as such, you can't go say, 'I'm here!' when you are not—'cause that is lying. There should be some better way of keeping accountability without having to have little tag marks 24 hours a day."

Cheating on EE 304 Project

● *Question 5. With respect to the EE 304 home study project, we have some general questions. If other home study projects (on which "individual work only" was required) had been examined last year, in how many instances do you think unauthorized collaboration could have been discovered? In what specific courses and on what kinds of exams? Why do you think this collaboration occurred or may have occurred?*

Cadet A:

"Upper classmen know each other fairly well and they would probably know who would turn each other in for a certain instance like that. I am sure that by this time, having been here for a while, they knew who they could collaborate with and who they could not collaberate with. But, I personally saw none of that.

"We had regulations that said that if you were writing an English paper and you asked a person how to spell one word, and you turned that paper in and it was graded—then that was an Honor violation. People were very, very careful about that. And I know many instances where my roommates or whatever—I had a roommate who was thrown out for English and French and I gave him absolutely no help because you just wouldn't take a chance for anything like that whatsoever. . . .

"But I can understand where (when you've been together for almost three years), they knew each well enough to know what they could do and what they could not do. But, I personally was very surprised that it was such a large number that were doing this. I personally had no idea and many many other people I'm sure didn't have any idea that any of this stuff was going on. . . .

"I think you have to look at the nature of the course. Electrical Engineering, or 'juice' as it is more commonly known, is not one of your most beloved courses. . . . Also at this time—it was a bad time to give such a thing as that. I believe it required a lot of time for an individual to do and there were other exams just before this holiday break. Everyone was thinking of just leaving. I think a lot of them collaborated for the simple reason that they just wanted to get it over with and this [collaboration] was the fastest way as far as time.

"I really doubt if many people actually did it to receive a better grade. I can't correlate this with any facts I know. But I would just feel that if you're in a situation where you want to leave, you just want to try to get something like that over with as quickly as possible. So copy someone else's and you won't have to do all the work yourself."

Cadet B:

"The funny thing is if you had asked me that question this time last year I probably would have said a little. In fact, I might have said none. I guess I felt there might have been some isolated incidences, but I didn't have any idea it was rampant. . . .

"When you have non-concentrators taking courses which are not in their fields of academic concentration then a lot of the problems arise. . . . EE 304 is probably a course that should go the way of

'Fluid Dynamics' [i.e. Department of Mechanics course which used to be required of all cadets.]

"The rationale for the course EE 304 is that you need it to become a proficient Army officer; but, it is hard to explain that rationale to cows [juniors] who had just come off of AOT where they have been in the field and have never come close to needing to understand zener diodes. It is hard to believe. You don't believe it. And then you say: 'If they're going to lie to me, then I'll lie to them.' "

Cadet C:

"I wouldn't be surprised if it could be found on just about everyone [home study projects]. At least just a little bit."

Q. Why do you say that?

"OK. It just seemed like the general attitude. Last year the general attitude for a lot of us was to try to pass. And the way this system is set up, it is not thought [to be wrong] too much for another person going to another classmate and ask him for a little bit of help. This does occur . . . Changes they've made. It's just harder to find someone that's cheating. The way they have 'Juice,' you know, EE 301 set up right now."

Q. Are you in that course now?

"Yes, I am. It's almost impossible to get caught cheating. They've completely eliminated the home study problems. It's almost like they don't want to catch anyone cheating. They want to eliminate as much as possible any chance of cheating. That's the way I see it."

Q. Do you think the elimination of home study problems and those types of projects is a good thing?

"In a way, yes, because it almost puts too much pressure on the person if he is low in a class, this is a good chance to improve his rank, and this puts too much pressure on him."

Q. Do you think the elimination of all temptation in this regard is good?

"No."

Q. What is your own gut feeling?

"About the elimination? Well, if they wanted to stop the cheating, then it's good. Personally, I think West Point is a place where you're supposed to develop officers and get the officers ready for their branch choices—get them ready for service. And since the officers are supposed to be honorable, I feel they should have at least some chance to show that they are honorable. And maybe if they are not, give them a chance to develop that."

Cadet E:

"Very honestly, I have no way of knowing for sure because first of all, I don't remember how many home study problems we have had. But I'm sure if it happened on this large scale, on this particular problem, it's probably happened many times before. And I honestly can say I just don't know because I didn't know of any cases of cheating at all. But like I said, sir, I'm sure it happened before. It had to. You can't just all of a sudden pop up on one home study problem like that.

" . . . The system at West Point relies on honor so there are many ways in which, if you want to, you can take advantage of the system. There are no proctors when you take an examination. So, if you wanted to you could bring in crib notes or write all over your arm.

Nobody would ever suspect you because they automatically feel, 'We are going to—we're going to take the opinion that you are honorable to begin with unless you prove us wrong.' So if the guy feels like taking a chance, and writes notes all over his arm, nobody will suspect him unless it comes out blatantly that he was cheating.

"So there are many ways to take advantage of the system. If you're not checked up on now and then, I'm sure the temptation just overcomes some people, and that's apparently what happened. Time after time taking these graded writs home and never being checked on as to whether or not they cheated. Sooner or later somebody is going to say, 'Well, you know maybe I'll just try looking at someone's paper this time because they'll never check it.' And I guess finally too many people started doing it and they did check.

"It's probably the fact that the system permits cheating. The system is very conducive to cheating if you are a cheater. It's very easy to get away with it, because they rely so heavily on the Honor Code. So, time after time, we received graded home study problems and never being checked on, pretty soon somebody is going to start saying, 'Well, they will never catch me if I cheat, so let me just go ahead and cheat. It will be a whole lot easier.' And I think that's probably why a lot of them did. An awful lot of people who cheated or tolerated were not hurting in academics. So they really had no excuse to cheat. I remember the problem myself and it was not that difficult."

Q. Were you surprised?

"Yes sir."

Q. How did you explain it to yourself after you found out what was going on?

"Well, I told myself it looks like there aren't as many honorable cadets as I thought. It looks like maybe—I was disappointed—very disappointed that so many had resorted to that because the person had let me down, but we more or less owe the public something too. They expect honorable, upstanding officers graduating from this place. that's why they're spending $100,000 per cadet over four years to do it. And I feel like we're letting the American public down too. When they see these men in the Military Academy who are receiving expert training and everything are all of a sudden not abiding by the Honor System."

Q. Is there something peculiar about the class of '77?

"No sir, I don't think—I don't want to say our class is the scapegoat because then all of a sudden I am giving the impression that I feel it isn't just for our class to go through this. But I am sure that there are probably comparative incidences in other classes too. They've just never gone and checked."

CADET F:

"I would like to say it was an isolated incident. I really can't say definitely. From my experiences, I have never seen any cheating or anything close to it in my contacts with other people. The degree to which the EE 304 scandal was—the numbers—I never did think it would be possible; but, after examining the papers, it seems like it was to the contrary.

"I really couldn't give a definite answer to that. Whether cheating is as widespread as it is thought to be. In my relationships with other people, I don't see where that could be possible. There have been views expressed by other cadets that, or to the effect that, all of this is a culmination of academic pressure placed upon the individual to try to get the best grade that he can in competition with other cadets and all that.

"I haven't gotten into 304 yet; but, from what I've seen of 301 though, some of the problems are pretty difficult. I can't see why so many people go to such lengths to copy somebody else's paper just for 30 [30 tenths] the weight of the paper. It was just like a daily recitation. I can't understand why they'd do that. I'd heard that the computer program thing that was supposed to be involved in the project is almost impossible to do, but I can't say with any qualification whether it was or not. It obviously gave a lot of people a lot of trouble."

Cadet G:

"Sometimes, particularly, something that an entire class has to take (and we have a wide range of people of abilities). It is very easy when you're sitting in your room or someplace with your roommate, to say: 'OK, I got the second part; have you got the third part?' And yeah—'I won't tell if you won't.' Or not even speak of it that way. Just without thinking, if you've worked juice problems the last three months with somebody—and you are used to doing it with him—so this one is graded, you just keep doing it in the same way.

"The openness with which some of my classmates did it, I didn't think they were quite that stupid about it. That they could really think that they could get away with it that openly. If they had that little regard. . . .

"I am speaking now particularly of my own company. There was a disillusionment perhaps with the life of a cadet as a whole—regulations, chain of command, the entire picture.

"There was a disrespect perhaps for regulations and authority and almost a subversive resistance to cadet life thru various cliques. And the honor code got thrown in the whole mess—[they said], 'that's part of the system, let's see if we can get by on it.' "

Cadet H:

"I imagine that there's been a certain element that it was no big thing for them to collaborate on those kinds of things. But I couldn't say for sure. . . . A lot of people have problems with juice. It is hard to understand it. The way we have always gone about it; and I didn't understand it too much; so, I never really wanted to understand the processes. I just really wanted to learn how you do a problem the night before; so, I would be able to apply it the next day in class.

"It really kind of muddled my brain. I never understood it well, the whole course. And so the way we always did things, where you had 2 or 3 guys in my company and I think it was the same way in other companies, who generally knew how to work the problems. We had these ASP's [Assigned Study Problems] that we had to do every night. And collaboration was authorized. So we would always go around and have these guys explain it to us.

"And, when they gave us this juice thing, I think everybody understood there was to be no collaboration. But, if you didn't read this thing real carefully and if you didn't have a basic understanding about what was going on, you could get really frustrated. You could get really frustrated working it, you know, because there were certain parts of it that if you didn't understand what you were doing, the books really wouldn't help you. And you would get really frustrated doing it and there was no learning process to it. And it was just a grade.

"So I think some guys just turned to their roommate and said, 'Hey, what did you get for 7? I can't figure it out.' And several companies just had the whole company involved and I think they all just got together and worked it. They were used to doing things that way whether it was authorized or not. . . .

"For me it was a frustrating course, I couldn't understand too much of what was going on. I don't know whether it was the teachers. I usually have trouble with those kind of engineering courses anyway. And I think what happened to these people is that they weren't learning anything trying to do it by themselves, and they weren't getting it done; so, they just got help from somebody."

CADET J:

"I was totally amazed. I don't know—Cadet Ringgold and some of the other people who were implicated made statements like: 'Well, everybody does it; it's common knowledge.' But to me I had never—I do my homework on my own which is probably why I wasn't implicated.

"I kind of hibernate when something like this comes around and get it done myself. But in talking to a lot of my friends—they can't understand. [They were asking], 'Why do they say that everybody does it?' The general feeling is that it was just to implicate more people . . . [the collaborators figure] 'If the whole class was involved they can't throw us all out.' I was surprised and possibly it has gone on in other instances, but I was not aware of it."

Q. How can you account for the fact that it did occur?

"First of all, I don't know if it went on in as great a proportion as they think it did. When the first thing came out, there were 50 individuals that were eventually found guilty by the Honor Boards. And as far as that investigation went, I was pretty well satisfied. But once the IRP's started and the entire class started coming under investigation, the whole thing took on proportions of a witch hunt. And that is an opinion that I share with a lot of my classmates.

"One possibility that has been offered is that the policy of this department [Electrical Engineering]—their method of teaching was to assign three pages of problems a night for a study assignment that you work before coming to class. Those problems were completely 'open collaboration:' so, a lot of people instead of doing things on their own they would go down the hall to their friends rooms, copy it down and turn it in. When the 'no collaboration' problem came along, they weren't really familiar with how to do it. So they [collaborated] either just out of habit of copying or just the fact that they couldn't do it themselves without a copy, and rather than turn in a blank paper."

Q. How much trouble did you have with that particular exercise?

"I don't really remember all that much about it. If they handed me the paper now I wouldn't be able to answer a single question I don't think."

Q. How many people do you think got into trouble because they had that same difficulty of not being able to account for how they'd gotten their answers?

"This is something that we have talked about. Even during this summer, we were being investigated. I feel that if the paper should be shown to me, I'd have an awfully tough time accounting for how I got certain things."

Q. Do you feel that a good portion of your classmates who were thrown out were innocent?

"I've heard various stories. I didn't sit on any of the honor panels, I didn't sit on the Internal Review Board. I've heard some war stories that sound awfully flakey. That they were just out to get people, but then I can see some of the people getting thrown out that did."

Q. Do you know anybody who you believe in your own mind is innocent, but who was thrown out?

"Yes."

Q. Why do you believe?

"They maintain that they were innocent and I believe that they are innocent."

Q. And their account was . . . so why were they thrown out, by their own account?

"Just the officers panels felt that there was suitable evidence for throwing them out, for maintaining a guilty verdict."

● *Question 6. Do you think the Superintendent's substitution of Internal Review Panels for the Cadet Honor Committee was justified as a means of resolving the current scandal?*

CADET D:

"I can remember when I heard it. I came back to my room and threw my books across my desk. I came in and I read the memorandum before I had even set my books down, and they hit the wall before I set the memorandum down. . . . I feel the honor system is a cadet system.

"And one of the other major aggravations of the system right now is that it is no longer run by the cadets. If cadets don't run the system, they aren't going to respect it. If they run the system, they will respect it. And I think the fourth class system is living proof of that.

"We started seeing all of these Officer Boards overturning cadet boards. Now there are two ways that that could be. Either the cadet boards were not deciding as rationally as they used to or the Officer Boards were tending to take more control. They were tending to overpower cadet boards. And I think it was the latter.

"I don't think cadets are any less rational today than they were yesterday. That really frustrated me. As soon as the cadets stop running the system, then the system is going to come to an end. And anybody who doesn't believe that, doesn't understand cadets. . . .

"The biggest war that has ever existed between the cadets and the other faction is that between the cadets and the officers. OK, there's your tactical officer; but, I'm talking about cadets versus your instructors. They are on different walls. They wear different uniforms and that is, you know, the perfect physical difference. They stand apart. One is in front of the class and the others sit in the back of the class. And they stand opposed on all things.

"It's funny because we are all gonna be officers one day; but, while you're here, it is gray versus green. And you start having officers impose on the system and it becomes nothing more than a cheap regulation to get over on."

CADET E:

"Ideally no. He shouldn't have done it because that left out—I believe one of the stipulations was if anybody was found guilty by an Officer Board, he automatically faced separation. He couldn't go to an appelate court or board even."

Q. He went to the Board of Officers?

"He went to the Board of Officers first though, didn't he, sir? In other words he couldn't go to a Cadet Board then, if he was found guilty, appeal. So he only had one board [the IRP] and in that respect I don't think it was such a good idea.

"But then you have to look at the magnitude of the situation and understand that if he hadn't done that the Board would probably still be going on now and a lot of it will be because they're still reviewing people. Ideally, he shouldn't have done it, but practically speaking I think he had to.

"Sir, I guess it must have made it easier from his point of view because by that time the cadet honor boards had come to the point where they were almost laughed at. It wasn't a case of, 'Is the cadet requesting an officers board?' It's, '*when* is he going to have his officers board?' So that it was just kind of regarded as 'those guys can't tell me what to do. I'll go to the officer board.'

"And perhaps his intention was to expedite getting the cases done as quickly as possible without the tangle and red tape of going through a cadet honor board—that had become meaningless because of the appeal. It was so easy to get it appealed and get it turned back because of legal technicalities that we [Academy] were interested in getting it taken care of. Not to rush it through mass production, but to get it done more expeditiously.

"The feeling of my classmates, and myself too, was that he yanked it right out of the hands of the Corps of Cadets. That the honor code then became something belonging to the officer cadre of the Academy and no longer the Corps of Cadets. And that would ruin the honor code if it ever came to point where it was handled solely by officers. The corps of cadets for the most part would. . . . They might as well take the honor code and write it into regulations. But, as long as it is something that we have, it is more supported."

CADET F:

"Sir, I think at the time it was more or less necessary to figure out some system to get the preliminary investigations of the honor committees themselves going. The extent to which the number of people were involved called for some kind of special process because the way the Honor System is set up—the 12 man board reviewing and you've got your subcommittees and all, we would probably still be investigating—subcommittees investigating cases, I mean the regular honor cases.

"There was a demand, time was an element—finding those who had not cheated, who were not linked with the honor scandal, get them out on leave or into the summer training with the plebes at Camp Buckner.

So the rationale behind setting up the Board itself, I think was good.

"From what I've heard from a lot of cadets, the ratio of cadets and officers on the investigating panels [IRP's] that were set up, there is a lot of friction, I believe. Cadets were upset at having officers involved in the subcommittee investigations. A lot of people thought that it was taking the Honor System and its process away from the cadets and giving it more or less into the hands of the officers."

Cadet H:

"I heard a lot of rumors coming out of it and it seemed mostly that the guys who were spreading the bad rumors about it were the guys who were guilty of this cheating on the juice thing. And they were saying bad things about everything. . . .

"To me, I was glad that they started the IRP panels. Firstly, because on the honor committee, we had several people implicated. Not only, for cheating on the thing but also for fixing boards. So you really didn't know who you could trust and who was guilty. Even as far as the honor committee [was concerned], you didn't know where everybody stood.

"And also the caseload of trying to do something like that through the honor committee would have taken all summer and maybe even into this year. I don't think it would have ever got straightened out. And I think a lot of the guys who were disgruntled about the IRP panels are guys who just saw the honor board as another change to get off. Because it was a good chance. When one guy out of 12 can vote you innocent and you can get off, it gives you a pretty good chance. A lot of guys saw it as another stepping stone they were missing. . . .

"And I heard some questions were asked that people didn't like. They assumed you were guilty before it was proven or something like that. And we heard all sorts of questions, like asking if there were prostitution rings or anything like that."

Cadet J:

"It is easy to look back on it, and say, 'Looking back, I think it was a mistake.' But at the time . . . it was just before summer leave or approaching leave—everybody wanted . . . the feeling . . . you have to be here to appreciate the feeling of leave coming and of just getting out of here. Nobody wanted to hang around. Continuing the full honor process would have involved having a good part of the class stay here; so, there wasn't as much fight against the policy as there possibly should have been.

"I think it was wrong to take it away from the cadet honor committee. And I think that giving it, putting the power of guilt . . . sending it to an Officers' Board which used to be after the facts of the situation, after he was found guilty. Just sending it right to the Officers' Board (the IRP's which consisted of two colonels and one cadet), to me that was totally out of line. The cadet would have very little to say in something like that and two officers would tend to file his decision."

● *Question 7. Do you think the Secretary of the Army's actions of 23 August to resolve the current scandal helped or hindered the situation?*

CADET A:

"The majority of cadets are very very against that, very upset with that. And I can understand their reasoning, which is: 'Presently I am living under the Honor Code; I have to live under it in the future; I lived under it in the past. I face the same penalties as they did and they were caught. They should receive the penalty which I am capable of receiving if I break the Honor Code.'

"So I can understand where there would be a lot of bad feeling toward that. My own personal belief system—I do not view what they did as that horrendous, given the circumstances, given what they were doing. I have to agree with the decision to view each individual case, if they want to return. But, as I said most cadets would disagree with me on that. I'm rather outspoken in my views. It's a very emotional issue. A lot of things here are based on emotionalism and not a sign of logic—so you have to take that into account when you talk to cadets as far as their opinions go."

Q. Why is there so much emotion about this?

"Well, you have to understand that things you go through here—Beast initiation, confronting the pressure, your own personal fantasies and ideals about West Point. There is a large amount of emotion connected with all that and that is why you are going to see cadets acting and basing many things on just emotion. Also you have to take into account the relative age of most of the cadets that come into here. And they are permanently—not permanently—but to a large degree, really influenced by all the things that go on."

CADET C:

"I can't see them waiving the restrictions for one group of people for committing an honor violation when everyone else has to conform to the same rules."

Q. What is your own impression of how that might have been handled?

"I think they all should have been expelled. I can't really see letting them go out for a year and then possibly coming back. If he [Secretary Hoffmann] did that to make it appear you don't have to do it for everyone, but I wouldn't agree with that either."

Q. How does your class feel about having to absorb these people?

"From what I've been able to see of everything so far, my classmates aren't too happy about it."

Q. Why?

"It's just that, you know, we have to live by the honor system. And then these guys here, they were caught cheating and got the chance and now they are coming back into our class. So there is just the basic matter of trust. Can we trust these guys or not?"

CADET D:

"Typically in my class [1978] a lot of guys are sensitive about it because they come back to my class. Being competitive and all, that can be dangerous for guys [in my class] who are fighting for good slots [in Branch and other assignments].

"The thing that upset me about it was I look at it this way. They came to the game, right, and they antied-up. They put their money in the pot. They played by a certain set of rules and they lost. So they lose their money and they walk away from the game happy and that's it.

"Now, if they want to change the rules, that's great. But it doesn't change the ante that is already on the table. That is kind of a coarse way to look at a guy's determination of his personal life and all, but I think that is the way most cadets look at it. And I think all those cadets who are getting that waiver would have said the same thing if they weren't the ones involved. . . .

"The Secretary's move was a pragmatic move rather than a well thought out moral type of move. That's what I would rather have seen. . . . I couldn't say it was a political move because I don't know what his motivations were. To be able to claim it was a political move, I would have to know what his motivations were."

CADET E:

"In cases of people who downright cheated, I still feel that separation should have been awarded to those people. Permanent separation. However, to get back to what I was saying before about toleration. In some cases, I think the people who were found because of toleration should be given some other recourse than separation. Some of these people anyway . . . I feel that lot of them were good men and just because of circumstances are being expelled."

Q. In this matter where people are separated or when they come up for separation on an honor offense, is your feeling that the totality of the cadet's career should be taken into account?

"If they are up for toleration, yes sir."

CADET F:

"I don't really understand the rationale behind the Secretary's move. Maybe that he thought there were so many people involved that the class of '77 was going to be more or less wiped out, unless he offered some kind of alternative to them. From the feedback I've gotten, from my classmates, a lot of my classmates do not like the idea which the Secretary gave as his solution to the problem. It would mean that those who did return would be returning to class of '78 and they would be in contention with us for such things as branch selection and actually graduating in our class, knowing that they were guilty and found on honor and did come back. We don't like that people who were expelled are coming back into our class."

Q. Do you think that these guys should have been allowed to come back?

"I believe if they are found on honor and it is a clear case. . . . I don't think that they should have been. I don't think they should come back. As it stands now, I believe that those who do come back (I don't know what the percentage is going to be, I would hope that it would be a small percentage, and in that percentage, those that did come back) I would accept them back into the Corps and try to work with them as best I could. I believe that those that do come back will be the ones mostly that are of a high caliber and the ones we would want to graduate with us."

CADET G:

"I think it [the Secretary's actions] may have been trying to help public opinion and perhaps a rather negative feeling by cadets who either were found on honor or who had been up for it and had been acquitted. They were quite bitter in their feelings about the Internal Review Panel. They said, 'well those guys are just an inquisition.'

"I don't know specifics; but, some of my classmates were very antagonized by those panels. I don't know whether it was the way they were conducted or individual officers or what it was or just the whole atmosphere. But they felt they were in an inquisition and that they were up there unjustly. And they were very bitter about [the IRP's].

"My own personal feeling is if the individuals are proven beyond any reasonable doubt—whatever criteria were to be used—they had committed an honor violation. By the time you are in the second semester of your second class year you know the score, you know what is expected, you know the penalty and they should have been expelled. That is just my own gut reaction. They should have been thrown out.

"But with the numbers involved, with the public opinion and Army opinions and Corps of Cadet opinions, maybe that decision was necessary. But, as far as strictly adhering to it and backing it up, I would have said that they should have been expelled."

CADET H:

"I guess the Academy went along with it because they don't figure too many of the guys will come back. And if they do, maybe they'll be straightened out. I think Hoffmann figured he had to do something. He figured if you just allowed them all to get kicked, I don't think Members of Congress would have gone along for it. And maybe there would have been all kinds of court cases.

"And I think he [Hoffmann] had to do something in between. But they say it wasn't because of the numbers involved that they authorized this thing. They say it wasn't because there were so many people involved. I don't see that as being the case. I think if it had been 12 guys, let's say, that had been caught cheating on the juice thing they would have kicked them out and you wouldn't have heard another thing about it. But it was precisely . . . I guess that's what he said too, unusual circumstances in the case, or something.

"Some of those guys who were kicked out had been my friends for two or three years and I think a lot of them maybe can come back and make good officers. It might work that a lot of the guys who really have something going for them will get out and have something going for them on the outside and won't want to come back. And maybe some . . . who weren't doing well here, won't do well on the outside and will just come back again because they don't have anything else to do. I don't know, that's just guessing."

CADET J:

"That is probably the most equitable decision that could have been made. I think that it is a tough situation and I wouldn't want to make the decision and I think he solved it in the best way he could."

Q. Then what is your personal gut feeling about what he did?

"I'd agree with it. I don't think that there are going to be many people coming back."

Q. Why do you think that so many of them indicated that they probably would come back, probably about 90 percent?

"I was not aware of that. My own personal feeling is that once they get a taste of the outside, if they have any degree of success during their year, I think they are just going to stay on the outside. They won't come back."

Q. Why is that?

"Just forget about the whole thing, just put it behind them."

Honor Among West Pointers

● *Question 8. Do you think a young man or woman of 17 or 18 years of age can be indoctrinated, trained, socialized into a person of absolute honor, a person who will never lie, cheat or steal or tolerate those who do?*

Cadet A:

"I don't believe in absolutes. I am a relativist. I think that as with all ideals, whether you're talking about Plato or Socrates, you have to reach for those ideals; but, at the same time for your own mental health, realize that you are human and not always going to obtain them. That's just a basic philosophical fact.

"I think one of the cruelties with the Honor System (which I don't really see a remedy for) is this fact that you are going to have people that are not going to reach it. And there are people that are going to graduate who realize that they have broken the Honor Code. And as much as they should like [not to], they realize that they are imperfect beings."

Q. Is that a terrible realization?

"I think for a lot of people it is, because they came here with a lot of idealism and they just realize that—'No, I'm not going to be that great as I thought I would be.' It's ego shattering for many people. I can see where—and people who were convicted of this collaborating—a lot of them were very broken by it, especially if their parents rejected them, which has happened, and which I think is a pretty terrible thing to do on the parents' part."

Cadet B:

"It is an idealistic goal which you should always try to strive for, I suppose; and, it is one of those goals where 'the honor' is in constantly trying to strive to meet the goals. Recognizing that you may never be able to reach it. I think a person who thinks to himself that he has never lied, cheated or stolen is fooling himself and that is probably the worst thing at all. You have to recognize that we are all human and have human falacies. And then you have accomplished something right there. . . . The idea behind our current system really is one of infallibility."

Cadet C:

"I think that by the time you're that age you've almost already reached your standards. There are a lot of cadets who go through here without cheating—without getting caught cheating, lying or stealing or anything like that. But by the time they graduate—I know that a lot of first classmen sometimes when they leave here, they'll sort of take a couple of things with them after they graduate.

"It's just a fear of the system while they are here at West Point. After they graduate, it seems that maybe it doesn't have any effect on them at all."

Q. What is the purpose of the Honor System then if people who are coming in here are already kind of set?

"The purpose, as I see it, they're trying to instill honor. Possibly at times you can. If a person is basically honorable and has a background, it helps to strengthen the feeling and further develop it. But if the person basically before that did not have the background, he hadn't had the training before that, I don't think it [Honor System] can really help them."

CADET I:

"I'm a little afraid of that word 'absolute' in [talking about] human nature. If they are taught right from the time they come in and upper classmen set good examples, I think that's most important. Because if they see a lot of upper classmen tolerating and being slack on honor, they're going to do the same thing. Whereas if they more or less see a strict adherence to the Code, then they're going to follow suit. I think 'lead by example' is important in socializing for honor."

Q. Doesn't the system presuppose absolute behavior?

"Do you mean in regard to degrees of deceit? That would be a better word than absolute—absolute honor.

"Take a social norm up here, if you asked a cadet about the movies, they don't do that anymore this year; they've stopped it. But last year you had to know the movies; that was a social norm. If you didn't know the stars in the movies (you'd usually have to know one female star and one male star) if you didn't know, you'd 'pull it out.' Probably say, 'Sir, at 1930 hours at Thayer Hall the motion picture entitled, "Bronson's Boys," starring Sally Port, Hellen Highwater,' something like that.

"That in my opinion is, you know, it's a lie. You deceive the person that you know the actual stars when you don't. But, it's a social norm 'to pull out,' everyone kind of laughs at it. But my opinion is that it's no different from a guy that runs off post and marks his card 'on limits'. . . . But cadets say this [lying about movies] is a little lie, but this is a big lie. We will kick this guy out; but this [lying about movies] we'll kind of laugh at. They think it's funny.

"It's something I don't agree with. So that's why I say they use more or less degrees of deceit, and I think honor is more of a goal."

CADET J:

"First of all, the person who comes here generally, at least in my belief, has those qualities basically. He may tell what he considers a white lie every once in a while or shading of the truth, but basically he is an honest person. The West Point system has to be taught to them and they have to become accustomed to it. But I just can't see a thief or something like that wanting to come in here. You get occasional deviations Like the way I was brought up—it was wrong to lie, cheat or steal."

● *Question 9. How would you characterize the cadets you have known who were separated from West Point because of honor violations?*

CADET A:

"The ones I know, the ones from my company—One of the upper classmen I knew very well. He was on the . . . team. He was going to be head man for this year. He was convicted not of collaborating but of toleration. And, as were most of the others I knew Evidently they knew about a few individuals who did it in our company, and they turned themselves in [under Secretary Hoffmann's plan of 23 August].

"I personally do not know whether they did it to leave West Point and the military or because they were actually guilty. Maybe they did have suspicions, but I don't know whether they really knew. I didn't really know whether they really knew. I didn't know very much about it.

"You have a wide spectrum of all the people. I think you can't classify them from what I've seen, from what I've heard of what type of people have been involved. In the Corps as a whole, you have some guys who are—did very well here—and you have some other people who did, by the institution's criteria, very poorly."

Q. Why did the . . . team guy do it?

"I don't know because I didn't talk to him very much. He was here—then he was gone, because they came out with the amnesty where you wouldn't have to serve the commitment. As I have stated previously, I don't know whether they did it just to get out of the military or not; or, they did it whether they were actually guilty or not. It's hard to tell sometimes. I didn't actually have a chance to talk to him about it."

Q. Were you surprised?

"No. I really wasn't because I kind of figured that he was disillusioned about many many things about West Point, about the institution; and, I could see where he could do something like that. Just say, 'this is not what I want to do. I have realized I've got myself in a bad situation and I want to leave and use this as an out.' But, I've heard that he wants to come back now."

CADET B:

"One of the reasons that I think there was probably a lot of cheating here is that the people who were guilty on the 304 exam were so spread out. So it must have been pretty widespread. It just seems to me that there was probably a lot of cheating which guys like myself who weren't involved in it didn't know about. . . ."

Q. How do you account for the cheating in this particular course?

"There is just a feeling, you know, that it [EE 304] is just useless. There is no purpose in learning the material. There is no fear that not learning it is going to be important. So then the question is, 'How do you get through the course?' You know you're never gonna have to use the material. So then there's no question about bothering to have to learn it. You just want to get through the course because you know you're never gonna see it again; so, there is no problem. Once it comes down to that, you can either work hard or not work hard.

"In the entire year I went into the course book twice. What you do is go to the one person who might understand the damn course and say, 'Explain to me how to do these problems.' And he would show you how to do the problems and you would do them. That's all you would learn; how to do the problems. Because you knew the writs [short quizzes] at the beginning of the hour would look exactly like those problems.

"Few people actually read the lesson because it was beyond the scope of their interest and understanding. So when people were given the problem they said, 'Well, Jesus, we might as well get together on this problem too because that's the way we've been getting through the course. That's how I've gotten through the course so far; so, we might as well get together on this baby too.' "

Cadet C:

"In my old company, we just changed companies this year, we had about five or six guys last year found on honor in the EE 304 and there is two others in other cases that were found on honor."

Q. Why did they do it?

"They all had different reasons as far as I know. One guy was having trouble with his girl. She had been in the hospital for about six weeks. He hadn't done any studying before that, and he was afraid about flunking so he cheated on the exam. Another guy did it because his father had gotten killed and he saw it as a way to get out of the Academy; he wanted to leave the Academy."

Q. He did this because he thought he would be discovered?

"Yeah, he wanted to get out. He did it so blatently in fact, he copied right out of a book without documentation."

Q. This was not in EE 304?

"No, this was another case. Then another guy was caught stealing, though I have no idea why he did it."

Q. Were you surprised about these particular individuals?

"I was surprised about the one who had the sick girlfriend because he seemed to me like he had his stuff together. He was a pretty honorable guy. I think it was just the pressure on him at the time that caused him to do it."

Cadet D:

"[What is at issue in this question] is a matter of maintaining standards. It is kind of a cruel system. In a lot of ways, it is very cruel. So are the academics here. I have seen a lot of good officer material leave this place because they flunked out of academics. They couldn't do calculus.

"It is something that I have always lived with. It's something that I've said, 'If we're going to have a good Army and an Army that I can respect and that I can respect myself for being a part of, you have to maintain standards.'

"I don't think any system is so perfect that no cruelty comes to the people who are a part of it. You can strive to try to keep the cruelty out, but you can't prevent it. Sacrifice is involved, but the standards have to be maintained. All of us here are volunteers. And when we all came in we agreed to participate by the standards of the Corps."

Cadet E:

"Sir, I'd say the majority of them, I did not mind seeing leave the Academy. It did extricate a lot of the riff-raff from the class, but however, there were those few which I was really sorry to see go. It's hurting the Army to let these people go."

Q. How many of these classmates of yours were you in some sense personally knowledgeable of?

"If they cheated or just——"

Q. Yeah, give us some sense of who they were and what they were about?

"There were—well, not that many were very close friends; but, I knew a good number of them. I think probably 20, maybe 25, percent I knew; and, a much smaller percentage that I knew very well.

"Out of those let's just say 100 that were convicted, I am not sure of the proportion, but an awful lot of them had cheated, had actually gone to somebody else's paper and cheated. So in those cases automatically I feel they should have been separated. Now, of the remainder that had just tolerated, I'd say that maybe 10 or 12 should not be gone—should still be here."

Cadet F:

"I don't believe I've known anybody that has been separated or resigned. I've known some people who were up for honor charges. Most of those cadets were just anybody else. . . ."

Q. What seemed to happen that they got caught up in the honor violations?

"Sir, I don't know. I guess it would just be their misconception. What the honor code meant to them and other people. I guess it would depend on the situation."

Cadet H:

"I think this thing has been building for a number of years. It is not just something new. If it hadn't have hit our class, it would have hit the next class. I don't know whether it is society or what, but people have just been paying lip service to this kind of an honor code thing. I don't know how widespread it was.

"When I was a plebe, I didn't even know who my honor rep. [representative] was in the company. People just talked about it in hush-hush terms. It was stuff you mentioned, but that was about it. Nobody really thought about it that much. I think, in some companies, they knew the honor code was there but that was about it. Nobody really thought about it that much; they really didn't go by it.

"Also there were guys who had got by by cheating and lying all through high school. If you do it enough, I guess, it come to be more right than wrong to you. They lived by their own code."

Cadet I:

"I'd say that they are people just like anybody else. What they did was they just couldn't conform to a particular mold of behavior of a certain society which was at West Point."

Q. You don't think there is any one common denominator about these people, that they are all poor students, or they are all goof-offs or they all came from Wisconsin, can you make any generalizations about them?

"I'd say that of the individuals that were playing games with the honor system, they got caught. There are probably numerous other individuals here that collaborated in some way or another that the system hasn't caught yet. Of these particular individuals who got caught, I wouldn't say they're exactly super-dishonest people, that, you know, they couldn't get a job and be worthy citizens. They just couldn't conform to a special type of atmosphere that West Point has. It's not to say that they won't be good citizens or do the country any good."

- *Question 10. What is your view of the character, integrity, impartiality, and representativeness of the Cadet Honor Committees with which you have been familiar?*

Cadet A:

"Well, the Honor Committee representative of my company now . . . was my squad leader last year . . . and in my opinion you can't have a better person in the position. But, the senior who was our honor committee representative [last year], I did not have a very high opinion of. He resigned his position over the Verr case. That's all noble and great to do when you are upset with something—you know just quit; but, I don't think he was right in doing that, particularly with the circumstances that were involved.

"And the Honor Chairman last year I have a very low opinion of. . . ."

Q. Why?

"He would, when he taught us—gave us honor instruction—would start off by being very logical, very rational and would do a fairly good job until it came to certain points where he became emotionally involved. Then he just let himself go and he would become very upset and very emotional—couldn't control himself."

Q. In response to questions?

"Certain questions, certain instances, yes."

Q. What sort of things?

"Specifically, questions like, when I was a Plebe, we heard about the Honor Chairman (I believe the year before) who had been thrown out for honor. Questions about the Pelosi case, specifically.

"He became very very upset and just would lose control of himself. I felt that if you are going to have an individual who is essentially very very powerful and is actually in charge of people's future—some people here plan to make this their career—and he has the power to influence and perhaps to destroy someone's future.

"I felt that it was very bad to have someone who was not rational, [who was not] rather calm in making judgments. But many times he got totally carried away by emotion.

"I think his handling of the Verr case was very poor. I think that—again it was something that was based upon his prejudices in relation to the Fourth Class System and his emotion about the whole situation. I just have a very low opinion of the way he handled things. I think in many respects, he hurt the Corps more than he helped them. Sometime you have to admit that you are wrong."

Cadet B:

"There was a person in one of my social science classes who was an Honor Committee representative and he was straight down the line. He said, 'You've got to throw these people out. We ought to guillotine one of them for example.'

"Later on in the summer he was thrown out for cheating. And you either say, 'Well they "found" a guy who was innocent,' or that, 'this guy was the most blatant liar.' And that's the thing that drives you crazy. Because now that I look back on it and after having talked to people over the summer, there are people who are still here who must have cheated on the damn thing and probably on a hell of a lot of other things.

"And then you sit around with these people at Grant Hall and they say, 'God I wish these people who were hanging around here would go ahead and leave once they have been "found".' And you know they are as guilty as anybody and you hear them talking like this, it just drives you crazy. I know a lot of people who were thrown out of here had this same argument—that there were a lot of other people left who cheated and who were not being thrown out."

CADET D:

"In . . . , my old company honor rep. really impressed me all the time. He was the coolest head I had ever met in my life. In midst of an argument, he would say: 'Take it easy. Now let's look at his side of it.' That's something that really impressed me."

CADET E:

"I know very many of them. I do not know an honor representative who I don't respect. So, I really have a high regard for the honor representatives."

Q. What kind of people are they?

"Sir, they are very dedicated people—people dedicated to West Point and I feel very mature individuals. They have to be because the Honor Committee takes an awful lot of time out of their day. Yet, they seem to always be willing to go to any extent to get the facts out and investigate the case and do justice. They were running short of personnel and I did a couple of investigations myself recently."

Q. This fall you did investigations?

"Sir, I am just finishing up one now."

Q. Regarding investigations, what kinds of things have turned up? What sort of work do you have to do?

"It's a lot of running around—making long distance calls, trying to get the facts as objectively as I can. Because I realize that I have some biases too and it's just trying to get somebody's viewpoint and put it down as bias-free as I can. Then make the determination as to whether or not it should go to a subcommittee from there."

Q. Is that determination yours alone?

"No sir. I make the recommendation and I believe Michael Ivy, the chairman, and the vice chairman actually makes the determination."

Q. Is this made on the basis of your report?

"On my report and my recommendation and the facts that I present to them."

Q. So the procedure is that cadets are investigating these allegations?

"Cadets and honor representatives too. They needed some extra help."

Q. And then the recommendation is put in writing to Ivy and Ivy decides whether to take other action.

"Yes sir, based on my recommendation and what I have reported and investigated. Now, sir, if they do happen to push the case on to a three-man subcommittee, they may use the investigation that I have as evidence. But they will also go out and reexamine those people again in case I made a mistake. So it is not that they are just, that they are going on my word alone."

CADET F:

"What honor representatives that I've seen or and have known, they have been of high integrity. They know about the system and they want to try to enforce it. Give a person a fair break, if he is honest and accused on a honor violation. If he is not guilty, let him go. And, if he is guilty, find him and get him out.

"I found that they are very fair. Maybe some of their views are different than mine but I can't really see anything bad about that."

CADET H:

"Each person differs a little, but I would say they were a pretty fair bunch . . . They are more likely to give a guy a benefit of the break than to come down on him hard. As long as there is any question of a doubt . . . most guys don't chop a guy down unless they are absolutely sure in one of these honor cases, I know that . . . .

"Right now, I know a lot of affadavits were made and I have seen a few of them and investigated a few. But as far as honor representatives, I know of only—this may not be exact, but I only heard of two that are still up on accusations of honor violations . . . .

"When you are walking around knowing that someone has made an allegation against you . . . . when they find out they would like to strangle the guy that made it. And other guys they just accept it. They say, 'I'll find out about what it is later.' "

Q. What were they told about the allegations?

"OK. They were given a slip of paper saying that they were under investigation. And, as soon as the investigating officer learns the details of the case and asks a few questions, then he goes and sees the guy. He either recommends that the case be dropped or that it go forward."

Q. You mean he sees the accused?

"If he needs to see the accused, he will go see him and ask him questions concerning the incident. And then he will either recommend that the case be dropped or that it go forward to a subcommittee. If it is dropped, the guy comes over and sees all the charges—you know he has this ability if he wants to, the accused, to read the affidavit, the charges against him and everything. If it goes to subcommittee, he's going to hear them there too . . . .

"He'd sit down and then they read that, you know, 'that you are accused of this allegation'—read through it and then ask him various questions on it."

Q. He wouldn't really learn of the allegations until he was already in the court being tried?

"Well, a subcommittee is not really a court at all, really. It's just kind of a hearing to see if an honor violation may have occurred, if there is a possibility that one has occurred. So they are not trying to determine guilt or innocence at all."

CADET I:

"Individuals [on the Honor Committee], I think they are more honor conscious just by judging the way they talk and the way they carry themselves on the whole than other cadets are."

Q. You think that by and large they are honest and impartial in their deliberations?

"I'd say yes. Number one is because that is the role they are expected to play. And number two is because I am sure they themselves think that honor is extremely important."

CADET J:

"Well, my company had a problem last year. I guess I really didn't get as involved in the Honor System as I should have. We had an honor rep. and elections are held . . . basically you go downstairs on a night we have homework and they say, 'Who wants to be honor rep.?' 'Fine, you want to be honor rep.' And, as a result, my company honor rep. was thrown out last year for trying to fix honor boards. So, we had some problems there.

"Other individuals I know, again you can't make a generalization. I know some very dedicated people that really believe in what they are doing, open-minded. I also knew a couple that are very narrow-minded about it, who just as soon rubber stamp guilty everything that comes through. Again you can't really make a generalization about it."

● *Question 11. Do you think it possible to complete four years at West Point without ever committing an honor violation?*

Cadet A:

"Do I think that's possible? In most cases, I'll have to say, 'No.' But oftentimes people will commit an honor violation without even realizing it. They say well it's not an honor violation if you didn't intend it, well intent is kind of hard to prove or disprove."

Q. If the Honor Committee decides your intent was there, that's all that's needed?

"Exactly. It has nothing to do with whether you felt that you had the intent or not.

"There's another thing that I feel is bad here is that we're supposed to be all honorable people. Yet many times a cadet's word is not accepted, not taken. You are treated as if you're a criminal that all you—they base . . . how they carry out policies with the understanding that you are gonna lie or . . . or not do it [e.g., follow regulations].

"I can see where perhaps in the Regular Army that's true—you have to do this, but they treat cadets like this."

Q. Is there something curious about the conflict between the fact that you are heavily regulated and heavily chaperoned and observed in so many aspects of your lives, yet the Honor Code and Honor System comes along and makes a totally different sort of assumption about who you are?

"I don't think the Honor Code itself is a regulatory body. That's what I was trying to say. [West Point's Honor System] is an institutionalized type of system where you . . . have the choice of either just following it or breaking it and being thrown out. I mean you do have that choice. But really, with the Toleration Clause, you don't. You're not given very much leeway to make your own judgments—moral judgments."

Cadet C:

Q. How difficult is it to do this?

"It's hard sometimes. It is hard. You get into situations where maybe by telling a little white lie, you can get yourself out of a lot of trouble. It gets difficult sometimes."

Q. We've been asking if it was possible to complete four years without an honor violation. Perhaps we should be asking, "Is it realistic?"

"Human nature. It's almost unrealistic, the amount, almost considering 4 years a person can tell a little white lie or something like that at some time or another. . . .

"It isn't very realistic to expect a person to be able to go through without completely no lies, no cheating, no stealing. All right? But because this is an institution which is trying to set up a group of men that are honorable and that you can trust completely, I think you have to have something in which you try to instill that in them, at least a little bit. And if you start cutting back a little bit here and a little bit there, I think you'll lose a lot of it. It'll start getting cut back a lot worse than you wanted it to in the first place."

Cadet E:

"I plan on doing it and I'm not the only one."

Cadet F:

"Well I can only speak for myself. I have not put myself in any situation where honor would be involved and I would tend to shy away from any situation that would come anywhere close to that. I believe in the Code and I believe in being honorable. For myself, I wouldn't even contemplate trying to get over on the system, to try to get away with something."

Cadet G:

"There have been times when questioned closely under pressure I feel the tendency I have felt (especially as a fourth classman) the tendency to invent something quickly. Nobody would have found out; nobody would have ever been able to pin anything on me; but still the person has a positive attitude about the discipline, a positive attitude about wanting to be a cadet rather than a college student. The lying part would be the only part of it that a person would feel compelled to do by the pressure.

"Cheating—if a person really has trouble academically—but if he has trouble academically, and he doesn't take the initiative to go get the help which is available either from other cadets through tutoring or through instructors with additional instruction. If he doesn't take the initiative to do that then I don't think he has the drive to go on to graduate. And as far as theft—no reason for it. Lying would be the only part that the pressure would force a person to do.

"If I asked a fourth classman a question and he snaps off an answer. And a half an hour later he knocks on my door and says, 'Sir, I wish to correct myself. I made an incorrect statement.' If he did it intentionally, but without thinking, spur of the moment, I will usually take that person to the honor rep and talk about it. If I feel, and the honor rep feels, that he was not intentionally trying to deceive me, then in our minds it does not constitute an honor violation.

"There was a case recently, that was like that, where a cadet was not found guilty. But that is the debate now. Whether or not there should be a one shot, one chance clause. Say for a fourth classman or someone in a pressure situation who reports himself within a short period of time and corrects himself and is put on probation. He is making an effort to correct.

"As far as the calculated lie that the guy figures he can get away with and someone else turns him in—there is no reason for that. If he turns himself in, or corrects his mistake, he shows somehow that he is willing to take the consequences. If he is willing to make that kind of an effort, some kind of reevaluation of the situation should occur.

"Whereas, if he figures 'Oh, what the hell. They'll never find out.' Then he is leaving me in a state of being deceived. He is still trying to deceive me instead of trying to correct the situation. If he tries to correct it, he is trying to give me an honest answer."

Cadet H:

"I don't know."

Cadet I:

"It depends on the degree. Numerous people, even myself, commit what they would call small degrees of deceit. But as far as running off post with my card unmarked—you know—I never do anything like that.

"Another classic example is say a guy will go on weekend and will come back and he'll exaggerate the truth about how many women he picked up or whatever, what he did. Now do you bring a guy up on honor for this? No, because it is in a small area, it is a small degree of deceit."

Q. You could, of course. What you are saying I guess is that if the code were rigidly enforced, perfectly enforced, nobody would graduate from West Point?

"Um huh."

Q. There is a term that you have used, "social norms"—that there are social norms (aside from the Code and regulations) which dictate how cadets should behave. We have talked to people since we have been up here who say if they go into a bar with somebody and he is not qualified by age to buy a drink but he has a falsified ID that that would be an honor offense.

"What did he, they say?"

Q. They said it would be an honor offense and that he could be thrown out for it. [Cadet responded no further to this line of questioning.]

Cadet J:

"Yes. Stealing and cheating, I can't see any problem with. Lying may cause problems occasionally. One thing that could be a problem—Are you familiar with the term 'social honor'?"

Q. Right.

"Then that is a matter of interpretation and it is a gray area that probably should be cleared up a little bit more. That is the catch-all. If you have something that you are uncomfortable with telling the strict truth on, then that can be social honor. If it can be molded to fit into the category of social honor."

● *Question 12. How do you think West Point's conception of honor compares with that of the Army as a whole? Is West Point's relevant to an Army most of whose officers are not West Point graduates?*

Cadet A:

"I really don't know because I haven't been in the Army. I was a year in the ROTC while I was at the University of . . . I did get to see another aspect of leadership training. Even there, to my knowledge, you didn't have any problems with honor—lying, stealing, cheating—to my knowledge, you understand. It just didn't happen because the people that were involved there [in ROTC] were not the people that would commonly do this. There was no reason to. There was no body of regulations that would present situations where you had this conflict continuing. You did not have to mark a card to say that you were going some place."

CADET D:

"I just came from CTLT [Cadet Troop Leader Training] and that's the first experience I've had in the Army. (I come from a totally civilian background.) The first I had ever seen of the Army was this summer and I saw it for a month and a half.

"I spent the first three weeks of the five week experience getting everybody in my platoon to quit stealing. Because that's all they did was to steal from one another. In the Army it is really bad."

Q. Where was this?

"In Germany. . . . Like you need CVC's [helmets for crew vehicle communications] for your tracks. So they go to the platoon next door and they pick 'em up. And they come back and they've got CVC's.

"What's worse is that it has to be supported by officers. Because if it isn't, the guys wouldn't come to you beaming and smiling and showing you the new CVC's they just picked up from second platoon. It is obviously supported by officers.

"Then I become especially frustrated because what I did, was trying to do, was to go on a personal mission and try to develop a feeling of mutual respect among the platoons. So I went through all my tool boxes and everything else and found all the tools that were marked as another platoon's or another company's. I took it back to them and I gave it back. And I said, 'Now remember this.'

"And it worked with the other West Pointers. That's a pretty self-righteous thing to say, I guess; but, it did. In my company we had two West Pointers, to include myself, and two ROTC officers. It worked with the West Pointers but I could never get the ROTC officers to agree. They would never take up my policy. They told me that I was idealistic and foolish and that I should 'go back and wear gray again.'

"When I walked into the platoon, the platoon was really hurting. We had four tracks that were not in working order. When I walked in of course, a lot of pressure came on the squad leaders to get their tracks working again. And I remember that one squad leader suddenly had all these parts that he was missing. And I asked them where he got them and he told me bold faced that he just went over to batallion supply and there were tracks there, brand new tracks that had just came in and he just stripped them of anything he needed. And that night at 3 o'clock in the morning he went back and put everything back on he had taken off the night before."

Q. Was it actual stealing. When I was in Vietnam, we had a system we called "barter"?

"I think that system of 'barter' keeps supply from working in the Army. And supply is really tied up right now. If you relied on supply, like if your batallion commander comes down and tells you to paint the steps and you can't paint the steps because you don't have paint, it is stupid for you to go steal it from somebody else. What you do is you just tell him, 'I'll paint the steps when you get me paint.' And then supply will start working again. . . .

"I don't think many guys in the Army believe in honor. There is a small portion of West Pointers that still do, and I think the reason they do is because West Point exists and they are graduates of this place. And I think that's one of the big separations between a West Point officer and a Regular [Army] officer."

CADET E:

"Sir, I have to talk degrees too. Whereas an honor violation here might be tolerating your classmate or proofreading an exam paper with someone else. That might be insignificant compared to a regular enlisted man's concept of honor. He might not even consider that anywhere near being an honor violation."

Q. How about other officers?

"Sir, I think in general, just from the fact that I think West Pointers naturally have to have a higher honor concept considering they have been thru this for 4 years; an ROTC man or OCS man is just going through college or just the Army. I just think it is natural that a guy from West Point would have a higher standard. I hope I am not sounding. . . ."

Q. No, we want you to tell us what you think. . . . Is West Point's honor conception, once you are placed in this gigantic organization, is its conception not shared?

"What they tell us is that the West Point officer graduate that come out of here is supposed to be the backbone of the officer corps. Whether or not that is true, I like to think that I make my contribution and that the graduates in my class will make that contribution. So I really do think it is very relevant. It is very important that the graduates do have that honor concept."

Q. You think there is an assumption that the higher standard of honor prevailing among the West Point graduate would somehow rub off to a little extent once you got out in the Army?

"Sir, I don't know. I hope so. I really can't say. But whether it rubs off or not, I think it's important that the West Pointers do retain that honor concept."

CADET F:

"A lot of the things that are taught here are very idealistic. I think it's more or less that way because we're supposed to be more or less higher quality officers per se than somebody who comes out of ROTC because we've gone to this place and because we received the training we have. I believe that in the Officer Corps itself there are a lot of people who do not believe in the Honor Code. Some that possibly have graduated from this place, and certainly others who have graduated from other colleges. There are a lot of situations in the Regular Army where compromising one's own honor in order to, say, make a report look good or something. There are a lot of situations like that which come up."

Q. Do you think West Pointers would be less prone to do that?

"Yes sir. Just from the mere fact that we've got an honor code like this. A lot of other colleges have honor codes, but I don't believe it is still indoctrinated in people at other universities like it is here."

Q. What about Vietnam? A lot of West Pointers were falsifying reports, body counts and that sort of thing? Does that disturb you at all? You know, everybody's kind of doing it. West Pointers along with everyone else.

"Yeah, that would disturb me whether he's West Pointer or just about any other officer."

Q. How would you account for the fact that they did it?

"Sir, I don't know at this point."

Q. Have your tactical officers or others ever talked to you about their Vietnam experience with reference to the kind of pressures they were under—misrepresenting the facts?

"No sir, not really combat stories like that. We've been told by officers that it did go on, but that it was wrong. I guess everybody has to decide for themselves what they want to do. There were a lot of pressures during wartime. You're trying to look good, or you have a quota sometimes that you have to meet, and people tend to compromise in order to meet the quota—to satisfy . . ."

Q. Only about 12 percent of Army officers are West Pointers. The rest are direct commission, ROTC or something else. What is the value of having only 12 percent of the officers being exposed to these particular high ideals of honor?

"Well sir, we are a small majority [sic]. I guess I would like to say that I would like to see the idea of honor instilled in every officer in the Army. But it is not possible because we are only allotted 4,400 slots here whereas ROTC represents a great majority of the people. I guess if you went through ROTC or OCS you have to develop the concept of honor someway—being truthful, knowing that it would be important."

CADET G:

"The need for officers to police their own ranks, so to speak, to keep each other honorable if necessary and not to tolerate in the Army or at West Point people who submit false reports or steal other persons' equipment, or whatever, just to keep their own job straight. I don't think that should be tolerated in the Army or in the Corps of Cadets.

"We will be expected to enforce regulations against false official statements in the Army, why shouldn't we be expected to enforce them here? It is against sometimes personal relationships and personal friendships. But in the Army it may become necessary to give orders that can place a friend's life in danger or just plain see somebody else doing something wrong that is detrimental to the Army. No matter how much a friend that person is, if our job is to the Army (and we are sworn to support the Army and its regulations) there should be no doubt of [our duty]. Maybe, if it is too much of a personal conflict, doing it personally as far as the Army goes; but, either way, we should be enforcing the honor of officers."

CADET H:

"I don't think you'll find the same honor, no matter how much they tell you—there is not the same Honor Code out in the Army. I mean there's . . ."

Q. You mean West Point's much higher?

"Yeah, it is much higher. It is an absolute system. On the outside you got—you know, the troops, like I say, have a lot of peer pressure on them not to have an Honor Code in some respects and it differs from individual to individual. If a guy thinks he can get by lying in a lot of cases, he'll do it.

"If you have an Honor Code yourself—I guess this is the way it's designed—if you have an Honor System yourself, or an Honor Code rather, you live by an Honor Code. People see by your actions, and perhaps you'll be a good example for people out in the Army to develop an Honor Code themselves. And I think, you know, in every unit you probably have one or two West Point officers, like you say it is a small percentage but in every post you have several and there are substantial numbers [in the Army]."

Cadet I:

"OK, I've thought about this quite a bit. To be frank, I think West Point puts out more honesty conscious officers than any other establishment for the production of officers.

"I have heard about officers such as Koster, Westmoreland who do things that are less than honorable, who graduate from the Academy. The Koster—My Lai thing—and Westmoreland, some type of business or something, black market or whatever over in Vietnam. Both of these guys are Academy graduates, but you never hear anybody bad mouthing one of them.

"Have you ever heard of a book called *Situation Ethics* by Joseph P. Fletcher?"

Q. Um huh.

"That is how I would like to pattern my lifestyle. I have no illusions about the system at West Point. When I get out in the Army I know darn well that a lot of these guys, while they'll be more honor conscious, a lot of them are going to do things that would have probably gotten them kicked out of the Corps here.

"His basic thesis is there's the good, the bad, and what's useful. It is useful for you to exaggerate the truth in a given situation."

Cadet J:

"Most people that care for this line of work have the basic traits of honesty. I don't envision myself going into the Army finding a bunch of liars or cheaters. It is a type of profession where trust is very important.

"If someone says something, you have to be able to rely on his word. Unless I'm proven otherwise, I am sure I am going to have to trust whoever I'm working with. . . .

"What is a 'concept of honor?' It's very nebulous. I don't have a concept of honor so to speak. To me it is wrong to lie, cheat or steal. If that is what you call a concept of honor, I would say that, generally, that is almost a universal thing. It is wrong to lie, cheat or steal."

Q. Yeah. There are some things that you might find in the Army at large that you won't be thrown out of the Army for, but you'd be thrown out of the Academy for. What was your experience out in the Army? Didn't you have a summer?

"Yeah. I went to Germany on border patrol. To be perfectly honest I can't remember any situation cropping up where . . . that I can apply."

Changes in Honor Code and System

● *Question 13. Would you change the Honor Code? In what way?*

Cadet A:

"I would change it by, first of all, taking out the Toleration Clause. I feel it's in many respects a travesty and I would also try to separate what you have to do for a duty and its enforcement through regulations. I think the duty concept should be strengthened but not through the use of honor, because people are personally offended by it. I don't believe that's the way to do it. The Commandant [Brigadier General Ulmer] is in complete disagreement with me. He says that they both should be one and the same."

CADET B:

"No."

CADET C:

"If you make any changes in it, I think it's gonna almost start snowballing in a way. Like if you start taking away things like the clause that a cadet will not lie or cheat or steal or tolerate anyone who does, I think if you take away the toleration clause, you start losing something. If you take away like the part where you kick them out. . . . OK, take away the kickout, it's going to start getting like more flagrant. And we would just start losing the Honor Code after a period of time.

"If there ever was a change towards intermediate penalties, I feel like you'd have to put a lot of restrictions on it, and make those restrictions really explicit. Write down exactly what the circumstances would be in which those intermediate penalties were applied."

CADET D:

"I wouldn't want [it changed to] degrees. I wouldn't want degrees at all. Because then it comes down to putting guys on the area for an honor violation. And that is deteriorating of the code to where it is something ridiculous. It's just a game. . . .

"[In implementing the Code], the thing becomes drawing the line of the intent to deceive. Where is this intent? And where is not this intent? That would be up to the jury to decide. How much intent was involved and how much was not involved? Was it clearly an honor violation?"

CADET E:

"No."

CADET F:

"No."

CADET G:

"Have to think twice about the part about toleration. But, in the final analysis, I don't think I'd change it."

CADET H:

"No."

CADET I:

"I think having to turn in a person that you know has done something kind of causes you to get involved with the system rather than just saying, 'I'll let the honor reps do it, and I'll just mind my own business.' It forces the Corps as a whole. If they see someone doing something that isn't honorable, it is their duty; they have to go and report him. It forces them to be active about it.

"Thinking about fourth classmen . . . if there is somebody that they don't like . . . If one guy, upper classmen don't like a plebe then the rest of the cadets, upper classmen, in his company tend not to like him. And they kind of work as a unit to get the guy out of here—whether it be honor or what. They'll just try to look for some certain discrepancy in what he said. They'll say, 'Well, this could be honor. Let's get him out of here.' "

Q. What is there about this individual that they seem to be objecting to?

"OK. Well, he doesn't get his duties. Like he doesn't get the mail delivered when they want him to deliver the mail. Or after repeated corrections, he still doesn't respond. Or he might say something that would make somebody mad.

"I heard this particular fellow didn't know the squad leader's name. So this guy got mad. 'I don't like this guy,' he says and he starts reporting him for small minor infractions. Then discusses this with his classmates; so, they don't like him either. It finally gets around the whole company—well, this guy is a 'tie-up,' so everyone wants to get in their little claim. I can't see that. Like in OER ratings, the social norm is that 100 is max and the social norm is to not give anybody anything less than a 90. Now if a guy did a mediocre job and you wanted to give him a 60, the guy who endorses, the guy who is over you, would probably call you up. And he'd say, 'If you give this guy this, you will ruin his career; so, why don't you hike it up a little bit?' In your opinion you probably won't feel this is the way it should be done. But it's a social norm that you won't give anybody less than a 90 on an Officer Efficiency Report; otherwise, he is finished."

Q. If there is a great disparity between what is taught here in terms of honor and what prevails in the Army at large. If even West Pointers are going to have to make certain compromises when they get into the Army at large. What function does the Honor Code serve at West Point?

"OK. That can be demonstrated by the record of West Pointers all down through the history. I'm sure if you analyze the percentage of general officers, you will probably find that on a percentage basis West Pointers probably are selected for the stars rather than non-West Pointers."

Q. . . . The percentage of general officers is much higher but that may be a function of the old West Point "protective association."

"Well true. WPPA."

Q. It is always good to remember that Stonewall Jackson and George Marshall didn't go to West Point and did fairly well.

CADET J:

"I'd look very seriously at the toleration code. It is next to impossible to enforce; I don't think that it has been used in the whole situation this year. I think it has been used once. Along with that, I think it leads to a paradox. For four years here, you are taught to work together, cooperate, lean on each other. And yet, now you are supposed to turn somebody in. If the Code says that a cadet will not lie, cheat or steal, that should be it. You shouldn't have to worry about toleration."

Q. So, how is the Code going to be enforced without the toleration clause?

"I don't think the toleration clause has anything to do with enforcement right now. The people who turn honor violations in are going to still turn honor violations in. It bothers them if they don't. They [violators] are going to be thrown out if somebody else finds out. It is just your own personal feeling."

Q. Do you think that the toleration clause is enforced equally?

"The toleration clause can't really be enforced because there is . . unless a person almost comes up and admits toleration, there is no way of getting evidence. How can you prove that somebody knew of something else?"

Q. If you changed the Honor System, would you change discretion?

"I'd look seriously at discretion."

Q. What grounds for discretion do you think you might include?

"Intent, like the pop-off question. They had an excellent, I think, the way that they handled it in New Cadet Training. New cadets, if they were caught in an honor violation (not like stealing), but say lying or shading the truth, they were put through the entire honor proceedings but were not thrown out. It was felt that they were not familiar with the Honor System. Something like—as far as the intent goes—if a person says something under stress and then corrects it himself or says, 'Hey, this isn't right!' The intent to lie, cheat or steal wasn't there. I don't think it should be an honor violation.

"I don't think you can blanket that by saying that if you turn yourself in you won't be thrown out. Because the occasion is bound to arise sooner or later that, say, somebody cheats on an exam. And he gets wind of somebody else who is going to turn him in—he'll turn himself in. And that is no more honorable than if he hadn't said anything. So it has to be investigated on a case by case basis."

● *Question 14. What is your view of the Code's "toleration" clause? Would you change it? Do you favor giving cadets greater discretion in reporting honor violations, as is the case at the Naval Academy at Annapolis? Do you think nontoleration is applied equally to friends, strangers, roommates, classmates, lower classmen, upper classmen, etc.?*

CADET D:

"Last year they left the toleration clause so general that I voted against it and I think that's why it failed with other cadets too. It was too broad, too general. People will kind of accept toleration if you redefine it and give it another name. But if you leave it as toleration in terms of, 'Well he's cheating and it's none of my business.' You know, 'I've got my thing to worry about and that's it and he's cheating and that's his business.' I don't think anybody wants that.

"With my roommates and with my friends, it's pretty well understood that cheating is not tolerated. I personally feel that anybody who put me in a position such that I would have no choice except to turn in a friend is not a friend. He's the guy who is more interested in his personal interests than any friendship with me. And that's the way I feel about it. If he's a real friend, he won't put me in a situation like that. And regardless of whether he's a friend or not, if he puts me in a situation [like that then], he has made a mistake. . . .

"I think Annapolis' concept of honor is a lot weaker. If you take away toleration, there is no way to enforce it."

Q. Do you think the Navy's admirals are less honorable than the Army's generals?

"Very few, a select few, people ever become generals. And why do they become generals? Because they held the greatest respect and esteem among their peers and they have risen above their peers. That's the reason people become generals, or admirals. Those people are naturally honorable. That is why they gain the respect of people below them."

Q. Can you think of any generals who have behaved in a dishonorable way?

"They have done acts which somebody else has judged dishonorable and perhaps [judged] out of historical context. It is a matter of how you look at it. I'm sure there are cases both way. . . .

". . . As you get more and more selective, people become more and more discriminating. And one of the major things that you discriminate on is the respect you have for a man. And very few people fail to consider a man's honor when they consider whether or not they respect him."

Cadet E:

"Really frankly, I don't know much about the Annapolis honor code. I do know that it is not as stringent, not as strict in certain areas."

Q. Why do you that is?

"Sir, I think, the answer, my own personal belief is that they more or less succumb to a lower honor concept that prevails in society. I think they have had to adjust their own code if they feel that it is inconsistent with the prevailing honor concept in our society. I think that is unfortunate, I really do."

Q. Do you think that Naval officers are somehow less honorable because of this?

"Sir, I am not going to make generalizations like that because I am sure there are an awful lot of—I am sure Annapolis graduates are very competent and very honor bound and everything. All I am saying is that when you have got a stricter code you are more apt to—maybe consider the honor question more just whenever you do something after your Academy years. You'll think of it in terms of honor a little bit more. You'll give more thought as to what is honorable and what isn't honorable.

"I think the tougher, the harder it is, the more you have to more or less dedicate yourself to living under that honor code. I really feel that it is important in your development to go through that discipline and maintain it. I think the harder it is, well not harder, but the stricter it is now, the more it will stay with you."

Cadet F:

"Well, its very tough to put myself in a situation where I'd have to turn my buddy in for honor. If I had to do something like that, I really . . . it . . . it would be a difficult decision. But it would be one that I would have to make because the toleration clause, I think, has a lot to do with one's duty to higher ideals. It's not a nice thing to know that you're turning somebody in and that they'll probably be thrown out on honor. Yet, if you didn't have the toleration clause, I don't think you'd have . . . the amount of duty to the Honor Code would not be as great as it is."

Cadet G:

"I would go so far as to say that cadets would probably report people they don't know. Maybe to a certain extent they report a lower classman sooner than an upper classman. But I think probably the best generalization you can make is that what you'll get in most cases of cadets reporting other classmates [is that they do it] when they don't know that individual very well."

Cadet H:

"All the time I have been on the Honor Committee there has been very few—I can't even remember a case of toleration, per se. So I think other people make a much bigger thing of it than there is.

"But, yes, from what you are saying, it is much harder to turn your roommate or a friend in than it would be a plebe. A guy would be much more likely to turn in a plebe he observes committing an honor offense, in my opinion, than he would say his own classmate or a roommate or a friend."

- *Question 15. Would you change the Honor System? In what way?*

Cadet A:

"I would change the toleration clause. I don't think that should be in there."

Q. What about sanctions? Do you favor the system of intermediate penalties as opposed to simple expulsion?

"Well, I know that the penalties would be, probably walking the area, or something like that. . . . I think they should get rid of the toleration clause [and then] I would see nothing wrong with maintaining the expulsion rule. As far as what I think other people think about that, I think that they are generally against having intermediate penalties and I think it is about 50–50 as far as people who want to maintain the toleration clauses and those who want to do away with it."

Q. How do you feel about the proposed change in the Honor Committee vote for conviction?

"I believe it is going to make it easier for people to be convicted. Am I correct to assume that? It's not going to be a straight 12 to 0?"

Q. It's probably going to be a 10–2.

"I'm against that. I believe the 12 to 0 vote is good. That's why I am against the intermediate penalties. I feel that if the individual goes up for something like that, you have 12 people and they have to be positively sure that this person did it, and that does not leave very much room for a mistake. I would rather see 50 people who had committed honor violations go through the system than have one person who did not—who is innocent—be convicted. That is my own personal feeling."

Cadet D:

"I would like to have seen them not have messed around with academics. What they did is that they decided that something was wrong and they started playing with all these variables and mixing them all up. And they never bothered to set up a control group so they could see if what they were doing was going to make any difference. They have changed so many things now that no matter what comes out they aren't going to be able to analyze it or to know what happened. They tinkered with everything at once and did things like nobody gives any [graded] homework assignments or home writs anymore."

Cadet F:

"A lot of times cadets have gone before honor committees and the honor committee has said, 'you're flat and out guilty.' 12 people have voted saying that, 'you're guilty.' With a unanimous decision like that the possibility that the guy would not be guilty is a very small percentage.

"Then it'll go up to the Officers Boards and a cadet may get off for some procedural flaw or something. Something small that would not really change the facts of the case. The guy was still guilty and yet he got off by the Officers Boards. But he had been found guilty by 12 guys."

Q. I understand that the rule of unanimous vote, 12–0, is being changed. To 10–2. Would you favor that?

"Yes sir."

Cadet G:

"The only thing I'd change, I would remodify some of the changes that have come down. A lot of changes have come down in the areas of academics. They have more or less lessened the standards. . . .

"I'm going to be turning in an assignment I did last night. Last year what I did would have been considered cheating. Now, this year, apparently, I can converse with my classmates. And they can help me out with this thing under no penalty of ever, you know, considering it's an honor violation. Now, it just seems inconsistent to me that some things may be an honor violation last year that all of a sudden would not be an honor violation this year. If the rule were still in effect, no, I would not have received any help on it. . . .

"I think it is now going to be easier for me to get a better grade is what it amounts to. The other way, if the same standards were in effect this year as they were last year, I would have just had to sit down and passed through all the material and make sure I understood it and do it myself, or else go to the professor for additional instruction. And this year I can sit down with somebody, even more or less just have it spoon-fed to me.

"Now, I don't necessarily think that's right. In that case, you just shouldn't do that, and they emphasize that. They say, 'It's better if you do most of the work yourself, you'll gain more out of it.'"

Q. I talked to a few of your classmates at lunch, and one of them ranked second or third in your class, and; he told me about completing a homework assignment for the day on which two people in the class did all the work and the other 10 people copied their papers and handed them in.

"And as long as he acknowledged that, it's fine."

Q. Do you think that is a pattern now?

"Well, I think it's a lot more pervasive now than it was. There is no reason why he couldn't [collaborate]. The way the rules are set up now, I think the attitude is: 'Well, if we don't make it a crime anymore; we can't have any violators.' And that's—I mean, you don't all of a sudden legalize rape because there are too many rapist running around on the street. That's counterproductive."

Cadet H:

"I think cadets see it as an intergral part of the Academy. If you took it away, they would be really upset. As far as the system—you mean the way things are run?"

Q. Yeah.

"Before this juice thing, most people didn't really worry about [the Honor System]. They let the Honor Committee worry about it and they would rather have it that way. They would rather not have anything to do with it. I think this thing is causing people to become more concerned about the Code and to think about it—and now people want to become involved.

"So I think more people want this procedure, these changes where everybody gets involved in it. Like the questions I get in a company meeting, it seems like more cadets are interested in talking about it and more people are thinking about it. I don't know if it has just come out—yeah, I imagine it has just come out of the honor cases [EE 304] last year."

Cadet J:

"I don't know what happened. Like in my first and into my second year, the Honor Committee was, in 95% of the cases, the final word. If the Honor Committee said that you were guilty, you were guilty and you left the Academy. Now, in the last year, it is just an intermediate step to an Officers Board—everybody goes to an Officer Board now."

Q. I understand one of the proposals that the Honor Committee is going to make is to eliminate Officers Board. What do you think of that?

"If they can do it, but then you are getting into military rights."

Q. What if they brought due process to the Honor Board?

"I think that they should, that is something that has been lacking. They have to allow a witness cross-examination and that type of thing, that hasn't been allowed previously.

"It would be a good step also because that would help hedge against what happened this year the throwing of the boards and everything."

● *Question 16. What is your view of separation as the one and only penalty for any and all honor violations? Would you favor a system of intermediate penalties?*

Cadet D:

"If it [separation] stays within the system like it is right now, I had rather have a unanimous vote. I think that maintains respect for the seriousness of what you're doing. You are doing something very serious to this man's career. And if you are going to say: 'He doesn't deserve to be among us,' then it should be a fairly committed vote. For that reason, I think you tend to maintain the respect by keeping it a unanimous vote."

Cadet F:

"I think in some cases—I guess you're heard of 'the discretion clause' which we tried to vote in last year. I think in cases where a person had committed an honor violation, and yet nobody else had known about it, and his conscience got to him or something. He didn't feel right about it and he went in and turned himself in for it. I believe in that case the guy should be given a second chance.

"I've known—I had a classmate last year who during an OPE [Office of Physical Education] test, I think he was doing sit-ups, he put the wrong number of sit-ups on his card. And later the same day, he went back to the officer; and, said, 'Hey, I didn't put the right number of sit-ups down on the card.'

"Nobody else would have known about it. Yet, he was 'found on honor' and kicked out; and, he was one of the highest ranked in GOM [General Order of Merit] here. I think he was about 50.

"In a case like that, I can't really see kicking somebody out on something like that, when they take it upon themselves to be honorable enough to turn themselves in and nobody else at all had seen it."

Cadet H:

"Let's say a guy commits an honor offense and no one's going to know about it if he keeps it to himself. Then he feels bad enough that he turns himself in. To me, that is showing more honor than a guy that commits an honor offense; and, you know is willing to keep it in himself and not tell anybody about it. To me that guy is not living by the Code—where the guy that turns himself in is living by the Code. And in certain cases that guy should be eligible to stay here....

"I think a lot of the problem is that the [Cadet Honor] Committee has been running the Code more or less. And there has been no participation from the Corps that much in the actual running of the system. You know, they know the code is there and they had these classes on it. But hopefully, new procedures, if you got eight people from the Corps at large sitting on every board, then you are going to get a lot of people involved. Same as a subcommittee with three out of five [selected from the Corps at large] I think it is."

Beliefs About Honor and Higher Loyalties

● *Question 17. What percentage of cadets really believe in the Honor Code? In the Honor System?*

Cadet A:

"It is the difference between disagreeing with toleration [and to that extent the Honor Code] and having your own personal honor code. From a lot of the cadets I've talked with, they disagree with toleration. A cadet I was talking to, who had escaped with his family from Lithuania, was very very against the Toleration Clause. Evidently his family had gotten into trouble because his family or his father had been turned in to the Russian government, the institutional authorities, by someone, for what reasons I don't know. Maybe they were legally justified at the time, but of course we all know the stories about Russian children turning their parents [in] and things like that. I believe personally it's a travesty—its something that is used by the institution often times to enforce regulations."

Q. Do you think people should be held accountable for reporting misbehavior of any sort?

"It should be a subjective judgment on the part of the individual at that time. Let's face it, when you go out into real life, you are going to always make those decisions. I think here it should be the same way. You are dealing with people who are supposedly full citizens of the United States and I think they shouldn't have a system which forces them into compromising situations.

"I think that almost every individual who comes in here, having been heavily screened and just by his performance record in the outside world is, or has, a pretty high sense of honor. I can honestly say that perhaps all cadets who are here—they didn't get here, or most of them didn't get here, because they didn't have anything going for them. They must have something. . . .

"You just don't get the type of people that are very dishonest. Sure, people are dishonest that do come in here. Judging from some of the scandals and things that have been going on—it's obvious that there are [dishonest people here]. But there are different social reasons for that. Let's face it, the cadets who are here are a cross-section of a certain part of society. They are from midddle class generally speaking, and you are going to have all different kinds of variance in behavior. Taking that into account, I would say that almost all cadets believe in an honor system.

"As I tried to explain as far as my outlook toward it [Honor Code], it's something that you really don't think about. I don't think about too often because you just don't generally do those things that would break it, normally. You just don't do them. When you are confronted with a situation like that, you just naturally do what you've been trained to do. Your behavior is pretty well set by the time you come in here so you don't have a really big new change. Except perhaps, just from what I've heard, many, many cadets knew of, or were involved in, some form of cheating in high school, especially in the larger public schools."

CADET C:

"I think a good majority of them do [believe in Honor Code]. Offhand 70%, something like that."

Q. How about the system itself?

"The system? I couldn't say a majority of that agree with the system. There's a lot; a lot of cadets that feel it should be changed, in some ways."

Q. What is the spectrum of feeling of how it should be changed?

"The main feeling is that penalties which we have already brought up, the intermediate penalties. A lot of cadets feel that there should be some intermediate penalties if there are some circumstances involved in the case which would justify intermediate penalties."

CADET D:

"I have no reason to base this, but I would say about 65% of the cadets believe in the honor system and there are about 35% who don't. A lot of people, especially now, see a lot of injustices in the system. In fact, so many people are starting to see injustices that they can't get anything passed or decided. It is kind of like the multi-partied system in France; there are too many competing factions. If they're going to put up something for a vote, like this new proposal, so many people are going to disagree with various parts of it that no one is going to get a majority. And the proposal will fall down."

CADET J:

"The Honor System, I'd say, you probably could make a case for 60 percent, maybe. My class would be heavily towards finding some faults with the Honor System. It broke down this year."

● *Question 18. What were you told the purpose of this meeting would be?*

● *Question 19. Have you discussed your appearance before us with anyone?*

CADET A:

[Near the end of the interview, the cadet was asked if there were any other observations that he would like to make and he replied]:

"Generally, what has gone on in the last year has pretty much demoralized the Corps. Some of the policies that have been instituted have been very demoralizing to the cadets. Things have always been very difficult, but it appears now that things are more difficult than in previous years. Evidently, what they are trying to do is close ranks and keep things on a pretty low level and try to get things back to normal. . . ."

Q. What particular things have been demoralizing?

"Well, like an example of things that are very demoralizing is the stand the Commandant has taken in relation to changes in the leave system . . . In doing away with the Dean's List—the Superintendent's List and the Commandant's List. Individuals last year worked really hard to get on the Dean's List hoping to get extra leave and things like this and coming back to find that they didn't have this. They [Academy officials] said, 'Well, we're going to give you two Corps-wide weekends.' "

Q. Why did they do away with that?

"They did away with it because they felt that people concentrated too much on academics for the sole sake of attaining the Dean's List or Commandant's List or doing something just to get these weekends. [Officials felt that cadets] weren't doing it to really learn but just to get the weekends.

"Let's face it, you are pretty restricted here and if something like that is offered, it gives you a big incentive to do it. I'm the type of person who enjoys studying for the sake of studying. I'm not very good in the sciences, but the weekends gave me incentive to really try to do well in these science courses which I really didn't like very much. And especially this year we have chemistry and physics.

"But now it doesn't really matter and you know you're going to get the same amount of weekends. I will concentrate more on things I enjoy. . . . I will do what I have to do to get by in these other courses because it doesn't really mean anything.

"Like my roommate who worked very hard and was hoping to get this weekend stuff. He got on the Superintendent's List, and the Dean's List, the Commandant's List. And then he didn't get anything out of it. He was just very shattered. The main thing that happened was that . . ."

Q. In other words they thought that as a result of their work last year that when they came back this year . . .

"That's the way it usually works. The semester previous . . . was what you'd get rewards for. So what also happened was he [the Commandant] said, 'Well, don't worry about it because you're going to get three short weekends (which you're allowed as a yearling). And we're going to give you two Corps-wide weekends' (which were essentially going to be long weekends). . . . But what has happened is that they have now made us stay for the parade on a Corps-wide weekend. So that means that we can't leave until Saturday afternoon after the parade. And the weekends had been switched where it was supposed to be next weekend but they realized, 'Now, wait a second! A person could take a short weekend this weekend (because Monday we have off). And that means they are going to get off like three days. And the weekend before we gave them a Corps-wide weekend where they left on Friday (because there was an away football game). If you give them a Corps-wide weekend on this next weekend, they are going to have another long weekend. We don't want to give them three long weekends in a row. So what we are gonna do is that we'll switch the one from—not this coming weekend—but weekend after that. We'll put it on the one where we have that Monday—we'll make them stay for the parade anyway.'

"So actually it cuts down. They essentially took away one of our weekends. . . .

"I think also you have the disparity between what goes on in the real Army and what goes on at West Point. Cadets know that at 5 o'clock you are done in the real Army, and they also know that your weekends are essentially free. They know that when they go on CTLT or out in the Regular Army. . . .

"But I can understand why the Commandant has taken that position here. Whereas I know that in the Air Force Academy or the Naval Academy, you don't have this amount of restriction. Here the reason is because the little towns around here are pretty bad. Highland Falls is a pretty bad place; it's pretty rough. And the same with Newburgh. So I can understand his objections to that.

"But I personally don't see why they shouldn't allow cadets to leave if they turn in a leave blank. And say, 'this is what I'm going to be doing. I'm not going to be going to Highland Falls and just hanging around the bars. I'm going to be going home or doing this or doing that.' I don't see why there should be any real limitations. . . ."

Cadet I:

"Well, I saw on a yellow slip of paper that I am supposed to be up here for a discussion on honor. That is all my tactical officer told me. Then I talked to some of my other classmates, and I said, 'What should I say' and they said, 'Tell them you uphold the Honor System.'

"Then I started thinking about it real hard and I had my doubt when I came up here because I expected to have some officers from the establishment. And then when I just see you two and no one else around, I can pretty much express myself without fear."

Q. Were you afraid that you might get in trouble or something?

"If I said something wrong and some people from system heard, they wouldn't write me up for it or anything; but, they might tell some of their friends—'He said this and this about the Honor Code'."

Q. Who were you told we were?

"All that it said on my sheet was that we had to meet with Senator Mum. [sic] You know, I expected I'd be meeting the Senator up here so. . . ."

● *Question 20. Which do you think is the higher loyalty, loyalty to the Army and country or loyalty to your individual conscience?*

Cadet B:

"When West Point forces people to go against their individual conscience, they are either forcing people to work against the system or to become robots to the system. And you don't want either one of those."

Q. Many cadets at West Point understand this problem?

"This is a science and engineering school and those concepts are lost here. One of the problems here is that we are training engineers. Unfortunately, the Army today is a social situation a lot more than it is a situation of building bridges and the Army doesn't recognize that. . . .

"The academy like most systems thinks it's always doing the right thing. If it was doing the right thing in 1958, well, Goddamn it it's still doing the right thing in 1976. I've had officers tell me that the changes that MacArthur initiated in 1924 were damn good changes; and, if they were damn good changes in 1924 they're still damn good changes in 1976. Well I wondered what they would do if the same type of MacArthur came in now as came in in 1924? He would change the whole system around."

CADET C:

"OK. I feel like for myself I have duty to my country; I have duty to the troops I'm gonna command. But I feel like, if according to my conscience, if the people above me are wrong, it's my duty to myself to say, 'No I can't go along with that.' And for that reason I'd have to say to my conscience."

CADET F:

"I guess I would have to say to the Army and the country. Being a member of the Army, you more or less give up some individuality. It's your duty to uphold the standards of whatever you were told you were supposed to do . . . I would say that was loaded [the question]? But, when you come into the Army, you have the responsibility to uphold the Constitution and all that. You as an individual do not count as much as, say, the security of . . ."

Q. Supposing an Army officer gave an order to do something that was to you morally reprehensible, you thought this was terrible and it involved some lives.

"Do you mean like maybe say, My Lai?"

Q. Well, I think that would be an example.

"Well sir, in a situation like that I would not carry out whatever order he had because it would probably certainly be against, or go against, the standards of the Army itself. Such a gross violation like that."

CADET G:

"Sir, in the military its gotta be 'the country,' that's the whole purpose for having a military."

Q. Do you see possibilities for conflict?

"Yes, sir, I do."

Q. *Like reporting your friends?*

"Sir, it's a very difficult decision and I hope I never have to make that decision because it will be a tough one. But, I'd have to speak, sir. The . . . you'd given me a choice between my country and my duty vs. loyalty to my friends and things? . . ."

"In the Army there is little room for your own personal interjections, however, . . . there is a law, there is a rule in UCMJ which states that an officer will not, or any person in the military, will not obey a wrong command, an immoral command. And, it is up to that individual. . . ."

Q. An immoral command?

"Yes, sir, if under his conscience he believes it is a wrong command and that . . ."

Q. I think the word is illegal, isn't it . . . an illegal order?

"Maybe that's what it is. I think it is . . . an illegal order. So, in other words, sir, he may refer, he may use, for example, Lieutenant Calley."

Q. Do you think that the restraints and dictates of what your commanders have instructed you about would tend to take precedence over your individual conscience?

"Yes, sir, it would take something pretty extreme for me to actually buck my superior officer's command because, I mean, the Army's based on command subordinate relationships. You can't always go questioning. There is room for questioning, but at certain times you've just got to subordinate those and do what you are told.

"As a small unit commander, you have no idea what the big picture is going on. And, sometimes you've just got to take for granted what's going down is right. And, you've got to have that faith, that confidence, or else our effectiveness as a fighting unit is nil. Or else we'd have a hundred million different, or however many people you have in the Army, doing different things; you'll have no cohesion. And, I just feel that that's the most important thing."

CADET I:

"It seems to me that, if you are in a profession where you can't follow your conscience, that you shouldn't be in that profession. I'm fairly well comfortable in the military. And if I wasn't comfortable, I wouldn't come here because I have to be some place where I can apply myself 100%. And if I was doing something that I thought was consciously wrong, I just don't think I could do it."

DEPARTMENT OF THE ARMY
UNITED STATES OF AMERICA
1775

REPORT
TO
THE SECRETARY OF THE ARMY
BY
THE SPECIAL COMMISSION
ON
THE UNITED STATES MILITARY ACADEMY

15 DECEMBER 1976

THE SPECIAL COMMISSION
ON THE UNITED STATES MILITARY ACADEMY

15 December 1976

Dear Mr. Secretary,

The Special Commission on the United States Military Academy has completed its examination of the Honor Code, the Honor System, and conditions surrounding the Honor System at West Point, and submits its findings and recommendations.

The six members of the Commission are in complete accord with respect to these findings and recommendations.

The United States Military Academy has, throughout its long history, produced leaders of the highest character and quality. West Point remains a unique institution where young men and women, in a spartan military environment, learn the academic and military skills necessary to be a professional soldier. West Point must retain its unique nature. We strongly support the United States Military Academy. This report is presented with the hope that the Academy's great strengths will be revitalized and renewed.

The cadets we met at West Point were a remarkable group, with unquestionable devotion to the Academy, the Army, and the Nation. The failure of some cadets to adhere fully to the Honor Code cannot detract from the fact that the overwhelming number of cadets are honorable men and women who will, we are certain, become fine officers in the United States Army.

With these basic thoughts in mind, the Commission makes three statements of position.

First--The Commission unanimously endorses the Honor Code as it now exists.

Second--We believe that education concerning the Honor Code has been inadequate and the administration of the Honor Code has been inconsistent and, at times, corrupt. There must be improvement in both education and administration.

Third--The Commission concurs unanimously with the actions that you have taken to provide a "second chance" for certain cadets involved in the Electrical Engineering cheating incident last spring. Moreover, the Commission believes that the same consideration should be given to all other cadets who were involved in cheating, or tolerating cheating, on the examination in question.

The Commission recognizes that there is a body of opinion that believes your action resulted in a lowering of standards at West Point. We disagree. The cadets did cheat, but were not solely at fault. Their culpability must be viewed against the unrestrained growth of the "cool-on-honor" subculture at the Academy, the widespread violations of the Honor Code, the gross inadequacies in the Honor System, the failure of the Academy to act decisively with respect to known honor problems, and the other Academy shortcomings. Your action did not condone cheating; rather, it recognized that, in light of the grave institutional responsibility, the implicated cadets should be given another opportunity to meet the ideals of the Honor Code.

The time has come to end this unfortunate episode. The Academy must recognize that it is not treating a disease that can be cured simply by isolating those who have been infected. The Academy must now acknowledge the causes of the breakdown and devote its full energies to rebuilding an improved and strengthened institution. We see nothing to be gained by further action against these cadets and much to be lost by continuing with the divisive and unrealistic attempt to purge all who have violated an Honor Code that is perceived in widely differing ways. What is needed are reform and regeneration, not retribution.

We make several recommendations designed to correct institutional shortcomings we have discerned. Many of our recommendations have been made by other bodies in the past, but were not adopted. We urge that the conclusions and recommendations of this report receive your personal and prompt attention.

The Commission received complete cooperation from those members of the Corps of Cadets with whom we were priviledged to meet; from the Department of the Army; from officials of the Academy; from members of the Tactical, Academic, and Athletic Departments; from graduates; and from officers who have served in past years in various capacities at the Military Academy.

Sincerely,

Frank Borman
FRANK BORMAN
Chairman

Honorable Martin R. Hoffmann
Secretary of the Army
The Pentagon
Washington, D.C. 20310

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The Commission wishes to express its appreciation to Dr. Hans Zeisel of the University of Chicago. The Commission also wishes to acknowledge and thank Ms. Sandra Christie, West Point, New York; Ms. Ruth Schwoegler, Chicago, Illinois; and Ms. Elizabeth Koger and Mrs. Sharon Standbridge, Washington, D.C., for their secretarial assistance.

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The Special Commission on the United States Military Academy was appointed by the Secretary of the Army on September 9, 1976 "to conduct a comprehensive and independent assessment of the . . . (EE 304) cheating incident and its underlying causes in the context of the Honor Code and Honor System and their place in the Military Academy."

The Report to the Secretary of the Army, by the Special Commission, is organized into three parts. Part One states the findings and recommendations. Part Two is a discussion of supporting material. Part Three contains a concluding statement.

PART ONE

FINDINGS AND RECOMMENDATIONS

I

THE HONOR CODE

> "A cadet will not lie, cheat, or steal, nor tolerate those who do."

The Commission fully supports the Honor Code as a simple statement of essential standards of integrity to which every honorable person aspires. We believe that individuals are not born with honor and that its attainment is an ongoing educational process. Some are unable to accept and assimilate these values as rapidly and to as great a degree as others. Nonetheless, these ideals should be inculcated into every cadet at the United States Military Academy. It is critically important that all leaders in whom the people confer both trust and power achieve the highest degree of personal integrity.

We have been impressed by the importance attached to the Honor Code by cadets with whom we have spoken. They generally agree that the Code, insofar as it proscribes lying, stealing, and cheating, is sound and that it espouses ethical principles in which they have the strongest personal belief. Indeed, most cadets treasure the Honor Code. Many of those implicated in the Electrical Engineering 304 (EE 304) incident express support for its ideals.

One aspect of the Honor Code is not fully supported--the nontoleration clause, which as now interpreted requires a cadet to report and thereby cause the separation of another cadet for an honor violation. Many individuals are reluctant to place duty to community over loyalty to friends. This dilemma is particularly acute at West Point, where loyalty to friends is emphasized in other aspects of Academy life. Cadets generally recognize, however, that if the Honor Code is to have any meaning, they cannot ignore the dishonorable acts of others; some action on their part, to express disapproval of honor violations, is necessary. In this sense, the Commission fully supports the principle embodied in the nontoleration clause.

II

THE HONOR SYSTEM

Despite support for the ideals of the Honor Code, cadet compliance with the Honor Code, by the Spring of 1976, had become disturbingly lax.

The number of cadets who have resigned or otherwise been separated in connection with the EE 304 incident, 134 cadets as of December 6, 1976, does not, in our opinion, reveal the true extent of honor violations in EE 304. The Commission is convinced that many cadets who either collaborated or tolerated collaboration on the EE 304 take-home examination have not been detected or punished. The Commission is equally persuaded that scores of other violations of the Honor Code have gone undetected or unpunished and that, during recent years, a substantial number of cadets have been involved in dishonesty, toleration, and, on occasion, misconduct as honor representatives.

We agree with the remarks of Academy officers who served on the Internal Review Panel or Officer Boards:

> "Cheating was not confined to EE 304 nor to the Class of 1977 . . . . [S]ufficient evidence was forthcoming that there were widescale incidents involving academic cheating in other courses at other times."

* * *

> "The Class of '77 is not unique . . . . [C]ollaboration and toleration are common at West Point . . . . Undoubtedly other classes have been, and still are involved in cheating on a scale at least equal to '77."

* * *

> "[W]e are seeing only the tip of the cheating iceberg."

* * *

> "[T]estimony . . . indicates that cadet cheating on the EE 304 problem is only a small corner of the total problem . . . . [C]heating on a large scale has gone on before in previous classes . . . ."

* * *

> "[P]rior to serving on an Officer Board, I was personally convinced that reports of widespread cheating were little more than legally useful propaganda, perpetrated by clever defense lawyers. I no longer believe that to be the case."

We also agree with the Cadet Honor Committee's current Vice Chairman for Investigations, who recently informed the Corps of Cadets:

> "There have been cases of board fixing that can be documented, not only for the past year but for the past several years. For example, during the Electrical Engineering controversy this past summer, 30 of the 35 cadets who were found guilty by Officer Boards were previously found not guilty by the Cadet Honor Committee. Testimony arising out of the Officer Boards and the Internal Review Panel this summer has indicated that many of these were tampered with at the Honor Committee Board level. One cadet found guilty in the EE 304 controversy had previously been exonerated by 8 Cadet Honor Boards in his cadet career. Strong evidence, also from the Internal Review Panel, and from the Officer Boards held over the summer, indicates that he was protected by friends on the Honor Committee. Last year 16 first classmen were forwarded to full Honor Boards, yet not one was found guilty by his peers on the 1976 Honor Committee. One was found guilty by the 1977

> Honor Committee. However, in contrast to those statistics, last year 20 fourth classmen were forwarded to full Honor Boards and of these 16 were found guilty by the 1977 and 1976 Honor Committees. Now this suggests that if not board tampering that there may be just an unwillingness for a cadet to find his peer guilty, if not it does demonstrate gross inadequacies existing in the system . . . ." (Emphasis added)

It is distressingly apparent to the Commission that the Honor System, the means by which the Code is taught, supervised and enforced, had indeed become grossly inadequate by the Spring of 1976.

Even more disturbing is that this inadequacy was known to Academy leadership well before EE 304, but no decisive action was taken. In July of 1974, the departing Superintendent of the Academy provided the incoming Superintendent with a report concerning honor at West Point. The report, which had been prepared earlier by former faculty members, concluded that the Honor System was "in trouble" and that its reclaiming would be a "formidable task." This conclusion was fully supported in a 1975 Academy study which revealed widespread disaffection with the Honor System. Nevertheless, some Academy officials persisted, even after the EE 304 incident, in publicly proclaiming the health of the Honor System.

III

THE EE 304 CHEATING INCIDENT

Those cadets who collaborated on the EE 304 examination knew beyond any doubt that such action was prohibited. Although they may not have believed that their conduct made them morally corrupt or dishonorable, they knew it was wrong. Their action cannot be excused. But to place full blame on these cadets is to ignore institutional factors which contributed significantly to such a "choice." Inadequacies in the Honor System, in the Academy environment which was to have supported this System, and in the administration of the EE 304 examination combined to make a cheating incident practically inevitable.

A. Honor System

Perhaps the most fundamental of the Honor System's inadequacies has been the expansion of the Code well beyond its intended purpose. Cadets have been found guilty for isolated conduct which cannot fairly be characterized as having made them dishonorable. Recently, for example, a cadet who reported himself for stating that he had done 20 sit-ups, when in fact he had done only 18, was found guilty of violating the Honor Code. A similar incident had occurred in 1970. In July of 1974, a new cadet who reported himself for telling his squad leader, who "did not remember the particular incident," that he had shaved, when in fact he had not, was separated. In 1975, a third classman was found guilty by the Cadet Honor Committee of "intentionally deceiving" in that "he wore a second class dress coat to a motion picture" during the week (a regulation prohibited third classmen from attending weeknight movies).

If these cases were aberrations, our concerns would not be as great. They are, however, representative of a significant number of the approximately 180 non-EE 304 cases which have resulted in findings of guilt by the respective Cadet Honor Committees during the 1970s. The Honor Code too frequently has been interpreted and taught in a technical, highly legalistic fashion. As a result, the Honor Code's basic purpose--insuring that our military leaders are honorable men and women--has been obscured.

One of the more demoralizing shortcomings of the Honor System has been confusion and inconsistency in the interpretation and application of the Honor Code. There is evidence of a critical lack of agreement on these matters among the administration, tactical staff, faculty, Honor Committee, cadets, and alumni. For example, actions such as "bed stuffing," covering windows with blankets after "lights out," and keeping liquor in hair tonic bottles have at times been considered honor violations--depending upon who is construing the Honor Code. As an Academy Study Group noted, "Operational interpretations of the Honor Code vary widely and are modified frequently without the benefit of any regularized process . . . ."

Far from being a statement of immutable principles, the Honor Code as defined has become a compendium of changing rules. The body which has been entrusted with the primary responsibility for interpreting and applying the Code--the Honor Committee--annually changes its leadership, thereby precluding development of a stabilizing institutional memory.

Equally troublesome is the fact that the Honor Code has been exploited as a means of enforcing regulations--a view shared by 76 percent of the Cadet Corps in 1974. Cadets and officers have taken the shortcut of placing a cadet on his honor rather than themselves assuming necessary responsibility for the enforcement of regulations. Consequently, the Honor Code, by merging with the extensive Academy regulations, has lost much of its unique meaning. It has become part of the "system to be beaten."

A rigid and narrow interpretation of what constitutes nontoleration has also been detrimental to the Honor System. Cadets who become aware of honor violations have no legitimate option other than to report the violator and to cause his separation with the possibility of enlisted service. As already suggested, this sole option imposes demands on many cadets which they are unwilling to accept. Consequently, toleration has become widespread. Indeed, in 1974, 73 percent of the Corps stated that they would not report a good friend for a possible honor violation. Toleration weakens the Honor System by depriving it of a major element of enforcement. Furthermore, since the tolerator, in the eyes of the Honor Code, is as guilty as the violator, future violations by tolerators become more likely. In 1967 the Superintendent's Honor Review Committee, a group of 3 Academy officers charged with monitoring the Honor Code and System, prophetically advised the Superintendent:

> "The cadets interviewed, as well as this Committee, are in agreement that any 'cheating' scandal would find its beginning in a 'toleration' situation, i.e., a cadet would observe a friend or roommate cheating but because of their closeness would not report the incident. From that point a vicious chain would gradually find its way to other cadets."

Closely related to the growth of toleration has been the mandatory sanction of separation for all honor violations. The single sanction assumes that a cadet becomes instantaneously honorable upon entering the Academy; that all violations of the Honor Code are of equal gravity; and that all violators are of equal culpability. This has contributed significantly to the breakdown of nontoleration, to questionable Cadet Honor Board acquittals by a single negative vote, and, in some cases, to questionable reversals by reviewing authorities. In every other aspect of Academy life, the cadet is expected to mature and develop. Only in matters of honor has a plebe been expected to meet the same standard as a first classman.

Recognizing these problems, in early 1976, a majority of the Corps, but less than the required two-thirds, supported the end of the single sanction. Recently, after the EE 304 crisis, the Corps again voted on a proposal to eliminate mandatory separation. The proposal failed to carry by less than 1 percent. The Commission believes that Cadet Honor Boards and reviewing authorities should have available to them a range of other actions to recommend in addition to separation, including, for example, suspension, probation, or course failure.

Other shortcomings may be seen in the Cadet Honor Committee. Comprised of a limited number of first and second classmen, the Committee has been charged with almost exclusive responsibility for insuring the effectiveness of the Honor System. Some Honor Representatives have been considered overly zealous; others have been "cool-on-honor," a phrase denoting a lax attitude toward the Honor Code and System. The granting of cadet rank to the Honor Committee leaders has identified the Committee with the cadet chain of command and, therefore, the duty to enforce regulations. Such rank, we believe, is an unnecessary accompaniment to service on the Committee. By the Fall of 1974 only 41 percent of the Corps believed that the Honor Committee accurately reflected the Corps' attitude about the Honor System.

Many cadets have felt that the Honor Committee is part of the structure that has taken away "their" Honor Code. Significant changes in the Honor System have, in some instances, been made without the knowledge and approval of the Corps of Cadets. Furthermore, the dubious 11-1 acquittals, the lack of convictions for toleration, the absence of fundamental fairness in some Honor Board proceedings, and the rare convictions of first classmen have resulted in the perception of many cadets that the Honor System has been hypocritical, corrupt, and unfair.

The validity of this view was acknowledged by the current Cadet Honor Comittee when it proposed several changes which were recently adopted by the Corps. The "due process" hearing is now at the Cadet Honor Board level; the Officer Board has been eliminated; a less than unanimous vote is required for a finding of guilty; and cadets other than Honor Representatives will participate in the investigation and adjudication of honor violations. We have some reservations about the specifics of these changes; however, we agree with their purpose.

Another problem has been the failure of Academy officers to participate fully in the Honor System. Responsibility for honor education, for example, has been placed almost completely in the hands of the Cadet Honor Committee; in 1974 less than 1 percent of the Corps believed that they had gained most of their knowledge about the Honor Code and System from tactical officers and professors. The Academic Department has made little effort in the curriculum to assist cadets in discerning and coping with the moral dilemmas that inevitably confront individuals in general and military officers in particular.

Because of preoccupation with the notion that reform must be initiated by the Corps if the Honor Code and System are to be accepted, the Academy had not assumed sufficient responsibility for insuring that needed changes were effected. The role of the Academy's officers had largely been confined to reporting honor violations or reviewing Cadet Honor Board adjudications.

The lack of officer involvement in the Honor System is consistent with the Academy's apparent policy of placing more responsibility on the cadets themselves in every aspect of cadet life. This lack of involvement contributed to the belief that the Honor Code and System belong exclusively or primarily to the cadets and that any participation by officers constituted interference. This, in turn, generated cadet antagonism when decisions by the Superintendent and Officer Boards differed from Cadet Honor Committee determinations.

These inadequacies have combined to foster cadet cynicism toward and estrangement from the Honor System, thereby weakening the System itself. There has developed within the Corps what has been referred to as a "cool-on-honor" subculture--a largely unorganized group of cadets who justify certain honor violations and "beating" the Honor System. This subculture and its accompanying peer pressure have influenced many additional cadets to commit honor violations. In some instances the Academy's Leadership Evaluation System has been used by cadets to enforce at least toleration of the subculture. With each violation, the subculture grew and its influence became more formidable.

B. Academy Environment

The inadequacies in the Honor System cannot be viewed in isolation. If the System is to operate effectively, the total setting must be supportive. Factors such as the rapid growth in Corps size from 2,500 in 1964 to its current strength of 4,400, instability caused by the modification of some Academy traditions, and certain societal attitudes and turmoil may have militated against this support. While we recognize the influence of these factors, we believe other institutional problems were the primary causes of the erosion of respect for the Honor System.

There has, for example, been serious disagreement over the proper role of education in the mission of the Academy: Should West Point train combat leaders for immediate service in junior ranks, or should it provide the fundamental education and study to allow graduates (a) to assimilate quickly the special skills required for junior officer service in the basic branches of the Army, and (b) after experience and further study, to provide the senior military leadership on which the nation depends for its security. We are convinced that the acquisition of a college education within a military environment must, during the academic year, have first call on the time and energies of each cadet; military training should be concentrated in the summer months. The failure of Academy constituencies to agree on the relative importance of the educational component of the mission has hindered the development of an academic atmosphere which discourages dishonesty.

Development of such an atmosphere has also been impeded by the failure to determine priorities among competing claims on cadets' time. Prior to curriculum changes adopted this Fall, cadets needed far more credit hours to graduate than are required by most institutions of higher education. The academic pressures have been intensified by the increase, during the academic year, of military and physical training and cadet leadership responsibilities. In excess of two-thirds of the cadets surveyed in 1975 stated that they did not have sufficient time to satisfy overall demands. While cadets may not have been overworked, they clearly have been overscheduled. The result, as well described by a recent honor graduate, has been that:

> "In the present West Point system, mediocrity is not a choice for it is the sole alternative. It is not surprising that in an atmosphere of nonstop running and meeting deadlines that conformity and mere adequacy march to the forefront hand-in-hand."

The Academy has not been structured in such a way as to encourage academic excellence. Superintendents have often been selected primarily for their military leadership abilities; because of their limited tour length, they have frequently not had the opportunity to become effective educational leaders. Furthermore, Superintendents have not, in most cases, been given an adequate voice in the selection of other Academy leaders such as the Dean, the Commandant, and members of the Academic Board. Nor has the Academy had the benefit of the continuing advice provided most institutions of higher education by their boards of trustees.

Equally troublesome has been the failure to develop an appropriate state of discipline. In recent years, the Academy has delegated much of the authority for supervising cadets to the cadet chain of command. This has had the effect not only of increasing the time pressures on some cadets, but also of weakening the state of discipline. Confusion over the proper role of the company tactical officer has further contributed to this problem. By law, the tactical officer is the company commander. While all cadets and officers have some responsibility for discipline, the tactical officer must ensure that the Academy's high standards of discipline are met.

Finally, adherence to the Honor Code is more difficult when cadets perceive dishonesty around them. The standards of the Academy have appropriately been set at a level much higher than the lowest common denominator of society at large and, for that matter, of the "real Army."

While the so-called "double standard" can be disillusioning, its existence must be acknowledged. West Point, however, has always and must continue to set the standards for the Army. It is of utmost importance that every officer at the Academy lead by example; they, in particular, must aspire to the high ideals of the Honor Code if the cadets are to do so. The degree to which Academy officers at different echelons have, in fact, demonstrated such leadership is open to question. Clearly, cadets have perceived failure on the part of some.

C. The EE 304 Examination

The nature of EE 304 as well as the method of administering the take-home examination contributed, perhaps most directly, to the occurrence and magnitude of the cheating incident.

In our opinion, allowing 823 cadets 2 weeks to solve an out-of-class examination in a course for which the relevance had not been established by the Department and which was almost universally disdained by cadets as irrelevant and "spec and dump" (memorize and forget) placed unwise and unnecessary temptation before each cadet. The situation was exacerbated by the fact that, throughout the EE 304 course, cadets had been allowed and even encouraged to collaborate on home-study problems similar to that of the March 3 and 4 examination. Indeed, not only was one such problem due on the same day, but the second part of the examination also permitted collaboration. It became common practice for cadets--who had difficulty with their problems or who simply did not have the time or motivation to complete them--to go to the room of an individual known to be proficient in Electrical Engineering, take his EE notebook, and extract the needed information. Such action, which inevitably increased dependency on collaboration, had never been considered a violation of the Honor Code or, for that matter, any regulation.

We agree with the statement of a former Commandant of Cadets who advised the Commission:

> "In my view the [Electrical Engineering] Department invited violations of the Code by the manner in which it administered EE 304. At the very least, it placed the cadets under great pressure, needlessly."

Implicitly acknowledging the shortcomings of the EE 304 pedagogy, the Academy changed the rules for take-home assignments shortly after the EE 304 incident. Henceforth, cadets will be allowed to seek assistance, provided its nature and extent are clearly indicated on the paper. We are, however, troubled by the fact that some academic authorities, despite the change, see nothing wrong in the manner the EE 304 examination was administered.

IV

RESPONSES TO QUESTIONS POSED BY THE SECRETARY

In the mandate establishing this Commission the Secretary posed eight questions. We have discussed these basic and essential queries elsewhere in this report. Nevertheless, in view of their importance, direct answers are provided at this point.

> 1. What were the causative and contributing factors underlying the recent Electrical Engineering 304 cheating incident?

The EE 304 incident resulted from a progressive decay in individual respect for and adherence to the Honor Code. While specific conditions involving the nature of EE 304 and the administration of the examination are directly responsible for the occurrence and magnitude of the incident, underlying institutional deficiencies, including those related specifically to the Honor Code and System, contributed to the general conditions making it more likely that an incident of this kind would take place.

2. Does the Honor Code and System impose a realistic and reasonable set of standards?

The Honor Code establishes a set of standards for integrity and self-discipline that should be the constant objective of every honorable person. It is the belief of many cadets that they can adhere and are in fact adhering to the Honor Code. In contrast, the Honor System, as presently interpreted and administered, is neither realistic nor reasonable.

3. Is the Honor Code accepted by cadets as a way of life or do cadets adhere to it merely because of the consequences of a violation?

It is impossible to answer the question as to all cadets. Some cadets do adhere to the Code because they genuinely accept it. Some do so because they fear the consequences of a violation. Some comply for a combination of these reasons. Other cadets, at least until the EE 304 incident, neither complied fully with the Code nor believed that the System gave them any real cause to fear the consequences of a violation.

4. Are high standards of moral and ethical conduct emphasized in all aspects of cadet life?

High standards of moral and ethical conduct are expected of all cadets at West Point. However, the core curriculum does not provide an educational basis for a cadet to develop an understanding of ethical conduct. In this sense, high standards of moral and ethical conduct are not appropriately emphasized.

5. Are the pressures on cadets generated by the academic, athletic, and military training at the Academy realistic and do they contribute effectively to the mission of the Academy?

The combination of academic study, athletics, and military training (including cadet chain of command duties) at the Academy imposes unrealistically heavy pressures on many cadets. There is at present no effective means of establishing priorities among the departments competing for cadet time.

6. Is the ethical base adequately provided for cadets to develop a strong sense of integrity, exclusive of the Honor Code and System?

No.

7. Does the institution in its structure, its policies and doctrine, and in its operation appropriately support the Cadet Honor Code and System?

No. The Honor Code belongs to every person who values personal integrity. The entire institution must take a strong role in the development of the honor concept, the implementation of Honor System procedures, and the ultimate review of the exercise of cadet responsibilities. Recent history demonstrates that, in some respects, the Academy by its structure, policies, and doctrine has not appropriately supported the Honor Code and System.

8. Is there sufficient emphasis and effectiveness in formal instruction on honor matters at the Academy?

No. Honor instruction to the extent it exists has been almost totally handled by the Cadet Honor Committee. There must be instruction in ethics introduced into the core curriculum, to provide a base for continuing instruction in honor matters.

V

RECOMMENDATIONS

A. Cadets Involved in EE 304

The Commission has considered its primary responsibility to formulate recommendations concerning the institutional deficiencies it has found to exist. Unlike many other advisory bodies, however, this Commission has undertaken its work during the very crisis studied. It has thus been impossible to ignore the most fundamental question raised by this entire matter--what must be done with respect to the cadets involved in EE 304.

At the outset, we emphasize our strong support for the Secretary of the Army's August 23, 1976 policy to allow readmission of separated cadets. In recognizing the extraordinary nature of the situation, the Secretary, we believe, acted wisely and compassionately. The cadets did cheat, but were not solely at fault. Their culpability must be viewed against the unrestrained growth of the "cool-on-honor" subculture at the Academy, the widespread violations of the Honor Code, the gross inadequacies in the Honor System, the failure of the Academy to act decisively with respect to known honor problems, and the other Academy shortcomings. The Secretary's action did not condone cheating; rather, it recognized that, in light of the grave institutional responsibility, the implicated cadets should be given another opportunity to meet the ideals of the Honor Code.

The time has come to end this unfortunate episode. The Academy must recognize that it is not treating a disease that can be cured simply by isolating those who have been infected. The Academy must now acknowledge the causes of the breakdown and devote its full energies to rebuilding an improved and strengthened institution. We see nothing to be gained by further action against these cadets and much to be lost by continuing with the divisive and unrealistic attempt to purge all who have violated an Honor Code that is perceived in widely differing ways. What is needed are reform and regeneration, not retribution.

Under these circumstances, we must recommend, as to those cadets implicated in connection with the EE 304 incident, that:

> 1. All such cadets who left the Academy should be allowed to return to the Academy as soon as possible;
>
> 2. All such cadets presently at the Academy, whose separations have not yet been effected, should be allowed to remain at the Academy; and
>
> 3. All investigations of such cadets based upon allegations in the affidavits should cease.

We stress that the implicated cadets came from a cross section of the Corps; indeed, some had been leaders of their class. We do not believe that the single act of collaborating on the EE 304 examination makes these cadets unworthy of becoming West Point graduates. The Superintendent, speaking to a group of these cadets on August 28, 1976, expressed our feeling:

> "[I]f one has been found to have violated the Honor Code, in this case by cheating on EE 304, I think that was the wrong decision that the individual made; I think that under the terms of the Honor Code it can be called a dishonorable act; but as I look at those of you whom I know, I do not think that that one error in itself means that you are a dishonorable man--not at all."

Moreover, punishment or continued punishment of these persons can no longer be justified knowing, as we do now, that a substantial number of even more culpable cadets have gone undetected or unpunished. As one member of the Cadet Honor Committee perceptively remarked, if the separated cadets are to be "branded," they ought to be branded only as "the ones who got caught."

We recognize that some of the implicated cadets undoubtedly deserved to have been expelled long ago. The Academy, however, has not, in its procedures, distinguished between such cadets and other highly motivated young men who became entangled in this affair. Failure to do justice to some should not be allowed to preclude mercy to others. All of the cadets should have a final opportunity to prove that they are indeed honorable or, conversely for some, to prove that they are not.

B. The Honor Code and System

With respect to the Honor Code and System, the Commission makes the following recommendations:

> 1. The Honor Code should be retained in its present form: A cadet will not lie, cheat, or steal, nor tolerate those who do."
>
> 2. The nontoleration clause should be retained. However, a cadet should have options in addition to reporting an honor violation. A cadet who perceives a violation must counsel, warn, or report the violator. Some action is required, as distinguished from tacit acquiescence.
>
> 3. Sanctions other than dismissal should be authorized for violations of the Honor Code. The Cadet Honor Committee and reviewing authorities should be authorized to consider the facts and circumstances of each case to determine an appropriate penalty. Any recommendation less than separation should be fully justified. Cadets who are separated should not be required to serve on active duty as a result of their separation.
>
> 4. All officers and cadets at the Academy must understand the fundamentals which underlie the importance of the Honor Code and the health of the Honor System:
>
> a. The Honor Code must be viewed as a goal toward which every honorable person aspires, and not as a minimum standard of behavior for cadets alone. Furthermore, its proscriptions do not encompass all forms of dishonorable conduct; the test

of whether conduct is honorable or dishonorable does not depend solely upon whether it is proscribed by the Honor Code.

b. The Honor Code must not be extended beyond its intended purpose of insuring that only honorable individuals become Academy graduates. Nor should it be exploited as a means of enforcing regulations.

c. The Honor Code and Honor System must be considered the joint responsibility of all cadets and all officers at the Academy. It must be understood that the Superintendent has the responsibility of reviewing and, if necessary, reversing cadet honor determinations. No one "owns" the Honor Code. Everyone must work to insure the effectiveness of the Honor System.

5. The Academy should seek ways to insure that the above fundamentals work on a continuing basis. As a minimum, the following should be accomplished:

a. There must be academic instruction which provides an intellectual base for character development. All cadets should be required, early in their careers at West Point, to begin formal ethics study. This study, which must be part of the core curriculum, should include those ethical problems likely to be faced by a military officer. Ethics should be stressed throughout the entire curriculum and by all constituencies at West Point: Academic, Tactical, Athletic, and Administrative.

b. The content of honor instruction must emphasize the spirit of the Honor Code. A "cook book" approach makes the Code equivalent to another regulation.

c. The method of honor instruction and the environment in which it is conducted must be improved.

d. There must be greater participation by all cadets and officers in the operation of the Honor System. Cadet rank should not be awarded for Honor Committee service.

e. The Superintendent's Honor Review Committee should be continued, but its membership should include cadets and alumni. The Committee should meet at least annually with the mission of guarding the Honor Code against misuse, misintepretation, and inconsistent interpretation. The Committee should have the ultimate power to interpret the Honor Code.

f. An officer should be appointed to advise the Cadet Honor Committee and the Superintendent's Honor Review Committee. This officer should report to the Academic Board (and not the

Commandant alone) concerning all honor matters. Continuity is required in this position.

C. The Environment of West Point

With respect to the environment of the Academy, the Commission makes the following recommendations:

1. A permanent and independent advisory board should be established to provide the continuing assistance that most institutions of higher education receive from their boards of trustees. Such a board, established by the Secretary of the Army, should (1) be non-political; (2) include members who recognize the proper mission of the Academy; (3) convene often enough to insure current knowledge of the institution; and (4) report to the Secretary of the Army its observations and recommendations.

2. The West Point mission statement should be revised to insure that everyone understands the importance of education in the mission of the Academy. The acquisition of a quality college education within a military environment must have first call during the academic year on the time and energies of a cadet. Everyone must understand that this is the primary mission of the Academy from September to June. Military training should be concentrated in the summer months.

3. The Superintendent should have responsibility for all aspects of the internal administration of the Academy, including resolving the competing demands made by subordinate authorities upon individual cadets. His selection should be based upon his interest in education and a demonstrated ability to provide educational and military leadership. He should be assigned to the Academy for a minimum of 5 years and should be consulted as to the selection and length of service of the Commandant of Cadets and Dean of the Academic Board.

4. Permanent professors should serve on active duty for no more than 30 years, unless requested to continue on a term basis by the Superintendent with the approval of the Secretary of the Army.

5. The Professor of Physical Education should be a member of the Academic Board.

6. The Office of Military Leadership, a department concerned in large part with providing academic instruction in behaviorial sciences, should be transferred to the Academic Department. The Director of that Office should be a member of the Academic Board.

7. There should be an expansion of programs which bring outside viewpoints to the Academy, e.g., visiting professors to and from the Academy.

8. The Academy must reaffirm the role of the tactical officer as a company commander and ensure that this role is uniformly adhered to throughout the Tactical Department.

9. Tactical officers should be selected from officers who have completed Command and General Staff College or equivalent education.

10. The Leadership Evaluation System should be reviewed to determine whether it is a constructive force in the cadets' leadership development.

D. Military Defense Counsel

We are disturbed by allegations that several military defense counsel suffered harassment and injury to their Army careers because of their vigorous defense of cadets. Inasmuch as the Secretary of the Army had commenced an investigation into these charges, we did not review these allegations in depth.

The defense function places counsel in an adversary relationship with West Point--the institution that seeks to discipline or otherwise punish his client. This adversary relationship is too often viewed as an act of disloyalty. A cadet client should feel secure that the legal defense presented is in no way compromised by the lawyer's fear of adverse personnel actions.

The present system of having the same officer teach law and act as defense counsel places him in the difficult position of attacking the basic policies of the institution to which he owes allegiance in his role as a faculty member. As a partial solution the Commission makes the following recommendations:

1. Judge Advocates who defend cadets should have no teaching duties.

2. Military leadership courses should include examination of the role of the lawyer as an advisor to the commander and the role of defense counsel in the justice system.

PART TWO

DISCUSSION

I

THE EE 304 CHEATING INCIDENT

On March 3 and 4, 1976, the Electrical Engineering 304 instructors gave 823 second classmen a take-home computer examination which was worth approximately 5 percent of their semester grade. The only second classmen not given this exam were those cadets in the top academic sections of EE 304. The instructions which accompanied the examination were clear:

> "There will be no collaboration on Part I of this problem (Part II will be done as a team project and appropriate collaboration instructions will be issued with Part II). Upon issuance of this problem there will be no discussion of the problem with anyone except Department of Electrical Engineering instructors . . . ." (Emphasis in original)

When the EE 304 papers were returned on March 17 and 18, 1976, one cadet wrote on his exam that he had, in violation of the instructions, received assistance. Similarities were then detected in other exam papers and, consequently, the head of the Electrical Engineering Department ordered that all papers be compared by cadet company.

On April 4, 1976, the Electrical Engineering Department forwarded to the Cadet Honor Committee the names of 117 cadets believed to have collaborated on the assignment. Cadet Honor Boards were convened, and by April 21, 50 cadets were found guilty ("found") of either giving or receiving assistance; 2 others resigned without appearing before Honor Boards. On May 3, 1976, 10 military defense counsel representing the accused cadets wrote the Secretary of the Army, advising him that cheating at the Academy was "widespread;" that "upwards of 300 members of the Class of 1977" had cheated in EE 304; and that the Cadet Honor Committee "not only acted arbitrarily and improperly in some cases but that certain of its members affirmatively conspired and acted to conceal and cover up violations of the Cadet Honor Code."

On May 23, 1976, the Superintendent appointed the Internal Review Panel (IRP) to ". . . investigate and examine all relevant evidence of violations of the Cadet Honor Code and other [USMA] regulations . . . arising from the EE 304 Computer Problem . . ." and to ". . . recommend for referral to Boards of Officers all cases for which [it] determines that there is probable cause of a violation." The Superintendent, in an August 26, 1976 letter to Academy staff and faculty, explained his decision to establish the IRP as follows:

> "[T]he emergence of new large numbers of alleged violators in late May and the attendant administrative requirements necessary to respond to them was complicated by additional factors. Final exams were scheduled from May 17th to May 27th. They were followed by the traditional 'June Week' activities and the graduation and commissioning of the Class of 1976, including one-half of the 88-member Honor Committee membership. At the same time, charges of improper influence and the existence of 'tainted' members of cadet honor boards in the initial hearings in April were being partially substantiated by recorder interviews of accused cadets and by board witnesses. There was possible involvement of large numbers of the Class of 1977, including an undetermined number of Honor Committee members. All of these factors argued for creating an investigative panel, with cadet representation, to substitute for the Honor Committee, which is not structured to investigate or process violations of such a large scale."

The IRP was comprised of 12 officers and 5 cadets and sat in panels of 3. Each panel, which consisted of 2 field grade officers and 1 cadet, made its own decision on whether a case should be referred to an Officer Board. The IRP screened those cases which had been referred to it by a team of 3 Electrical Engineering instructors. This team reviewed all 823 examination papers and forwarded over a quarter of them to the IRP. As a result of hearings before the IRP and Officer Boards, additional cases were screened by the IRP.

The names of 150 cadets, in addition to the 50 already found by the Honor Committee, were ultimately referred to Officer Boards by the IRP. Eighteen cadets resigned, and 103 were found guilty. Twenty-nine of the 103 cadets had initially been found not guilty by the Cadet Honor Committee. The cases of all found cadets were reviewed by officials at the Academy and Department of the Army, including the Superintendent and Secretary of the Army.

Academy regulations require that any cadet found guilty of an honor violation be separated from West Point; no other penalties are allowed. Separated cadets, if they are first or second classmen, may also be required to serve on active duty as enlisted men. On August 23, 1976, the Secretary of the Army announced a plan whereby any cadet who had cheated in EE 304 and who resigned from the Academy would be eligible for readmission to the Academy after 1 year; the requirement of enlisted service would be waived in each case. As of December 6, 1976, 134 cadets have resigned under the provisions of this plan; 49 of these cadets either had not been referred to or had not been found guilty by the Officer Boards.

On September 16, 1976, the Cadet Honor Committee received 159 documents which had been prepared by cadets implicated in EE 304 to demonstrate the scope of the problem. These documents alleged that 259 cadets had cheated in EE 304. Allegations were made against 72 cadets who had not previously been investigated as well as 37 who had been found innocent. The affidavits also implicated several hundred cadets in honor violations other than those arising out of EE 304; of this group, 191 had already graduated from West Point. The Honor Committee is investigating the charges against cadets who are currently at West Point.

As of December 6, 1976, 134 cadets have resigned or otherwise been separated in connection with EE 304. In terms of background and performance at the Academy, these cadets came from a cross section of the Corps. Some companies had many implicated cadets; others had few. All but 3 of the 36 cadet companies had at least one. In most cases, only a small number of individuals worked together--often roommates or friends. There was, in other words, no widespread organized effort to cheat. Some of the cadets implicated had violated the Honor Code on several prior occasions; others had done so rarely or, perhaps, not at all. According to the Superintendent, in his August 26, 1976 letter to the Academy staff and faculty:

> "Among those cadets involved we have found many individuals of high quality who remain motivated toward commissioned service in the U. S. Army . . . . [T]hey continue to be aware of the differences between right and wrong and they remain independent, responsible young men capable of making hard moral choices. Others have exhibited varying degrees of motivation, self-discipline and commitment to the principles of integrity that are essential to a healthy Code."

Many of those involved in the investigation and adjudication of EE 304 charges believe that not all cadets who collaborated or tolerated collaboration were detected or punished. The problems of investigating and proving cases have led some officers, such as those in the Electrical Engineering Department, to conclude that approximately 400 cadets collaborated or tolerated in EE 304. They have pointed to the lack of proper investigative tools, the difficulties in relying mainly upon exam comparisons, the differing approaches of the various investigative bodies and Officer Boards, and the fact that many cadets cleared by one body were later shown to have been involved. As one Officer Board member advised the Superintendent:

> "If you or I had complete and perfect information, I now believe that we would find that several hundred cadets collaborated--more or less--on the EE 304 problem. If the names of those tolerating such activity were added, the number would probably increase substantially . . . . I would caution anyone from drawing any conclusions from the numbers of cases sustained or not sustained by Officer Boards. Insufficient evidence should not be interpreted as innocence."
>
> . . . .
>
> "I do perceive that, when the Boards have run their course, they will have expelled (for all practical purposes) some cheaters who should have been expelled. They will have expelled some fine, honorable young men who were basically victims of circumstances that they did not have the strength to control. And, the Boards will leave a large number of cadets who are unable to rid themselves of their own sense of complicity. Few, indeed, will be the cadets who can start rebuilding the honor concept with a clear conscience."

The EE 304 course in which the cheating incident occurred is described in the 1975-76 West Point catalogue as follows:

> "EE 304 Electronics
>
> Frequency selectivity in communication circuits. Characteristics and modeling of electronic devices. Diode circuits, amplifiers, oscillators, and modulation methods. Radio and other electronic systems. Laboratory exercises reinforce key points."

A group of cadets gave the following description of progressing through this required course:

> "[EE 304] is a 'number crunching' course. All one has to do is plug values into a calculator and out comes an answer. The reasoning and theory behind the answers

> are not fully understood. . . . Generally, we are given an assignment in one of the departmental texts to read, and then three questions to do for homework. The questions are of medium to easy difficulty, and the tougher ones can be done by referring to the assignment. The class, after a lesson assignment was to be read, is given a quiz on that reading assignment. The quiz tests our ability to put the numbers in the right equations and answer them. The cadet who does not take a particular interest in the course or does not feel the need to keep a high grade overall, completes the questions on that quiz and then forgets them. When a written partial review or term end exam comes up he can be found trying to regain the knowledge he learned or supposedly learned over the duration of the course. This phenomenon also happens in other courses. . . ."

As this description suggests, most cadets considered EE 304 to be irrevelant and uninteresting--a course to be suffered through. One faculty member in the Electrical Engineering Department expressed doubt that any cadet would take the course if it were not required. The cadets infrequently read text assignments and gained little understanding of basic electrical engineering principles. Rather, they memorized what was necessary to get by each class and then forgot it at the earliest opportunity. According to one member of the Cadet Honor Committee:

> "If one were to look at all the courses for second class year, Electrical Engineering would by far have the lowest rating as far as a worthwhile course. The class as a whole seemed to rebel against this course. Very few people showed any great interest in learning electrical engineering; therefore, one has a class that does not really care if they learn in electrical engineering or not. Everyone is just trying to 'get by' with the smallest amount of effort."

It is thus not surprising that, as one faculty member remarked, "a majority of second classmen know almost nothing about electrical engineering. And this after a two semester/seven credit hour course!"

The EE 304 instructors regularly gave Assigned Study Problems (ASPs) to be completed outside the class. Indeed, between March 3 and 18, 1976, the cadets were given 5 ASPs; 1 was due on the same day that the March 3 and 4 exam was due. The EE 304 instructors authorized and even encouraged cadets to collaborate on ASPs. As a result, many cadets did not work the ASPs; they relied upon copying another's work and studying it before class in preparation for the periodic quizzes. One faculty member observed:

> "Full collaboration has been allowed in the completion of ASPs to the extent that it is not considered dishonorable to simply copy a classmate's ASP just before class and then use this copy as a reference for a graded exercise. The practice of copying grew to the extent that cadets would go to another cadet's room, one who usually did the ASPs, take the cadet's notebook, and copy problems. It was not infrequently heard that cadets who had worked the EE 304 problem [on which collaboration was explicitly prohibited] had also left it in their electrical engineering notebook. This was done with full knowledge that other cadets would most probably be coming to their room to get ASPs and would then have available a solution to the take-home problem. Testimony usually followed the pattern that cadets were aware of the situation but were relying on others to be honorable."

II

THE STATE OF HONOR AT WEST POINT

During the last quarter century there have been repeated incidents of academic dishonesty involving significant numbers of cadets. In 1951 the Academy separated 90 cadets characterized by an Academy investigative board as having been part of an "organized ring or conspiracy" which had existed for "several years." A witness before the Commission alleged that the Academy uncovered a cheating incident two years later involving 174 cadets, but separated no one. The Commission did not investigate the allegation.

The 1964 Report of the Superintendent's Honor Review Committee, composed of 3 Academy officers charged with monitoring the Honor System, refers to "the problems of last spring which culminated in the separation of a group of cadets" and notes that "there exists the feeling on the part of some that not all of the guilty may have been detected and eliminated." No further details are provided. According to a senior officer serving at that time in the Tactical Department:

> "During my tenure . . . a serious honor situation developed in the Corps of Cadets that had the appearance of being extensive and deep rooted. This took place in the spring of 1963. . . . As a result some outstanding youngsters resigned and others, whose feeling for the Honor System left something to be desired, stayed on and graduated."

Academy figures show that in 1966-67, 19 cadets resigned or were dismissed for cheating or toleration of cheating in Physics and Chemistry.

In the Winter of 1972-73, the Cadet Honor Committee suspected that possibly 100 cadets were cheating. By late Winter, the Committee still had a feeling that cheating existed but, according to an Academy official, that it "had been unable to get hold of it." Twenty cadets were ultimately separated for cheating in Physics.

The EE 304 episode may be viewed as part of what has become a recurring pattern during the preceding 25 years. The incident is even less surprising when one considers the state of honor at West Point during the past few years. Specifically, violations of the Honor Code, including toleration, have become increasingly widespread, yet few have been detected or punished. Disaffection with the Honor System has, for a variety of reasons, become even more pervasive. It was in this environment that 823 second classmen approached their EE 304 computer examination. Before discussing the situation, we consider the Academy's awareness of the general problem.

A. Academy Awareness

At the completion of his term, the 1969 Honor Chairman wrote in the Cadet Chairman's "Honor Book" that although "great support for the Honor Code still exists within the Corps," a "significant number of cadets are alienated from the Code" and that "many cadets currently feel that the Honor Code works against them rather than for them." The Chairman of the 1971 Superintendent's Honor Review Committee advised the Superintendent that he:

> ". . . has never felt before the degree of uneasiness about the Honor Code and System that he feels this year. He is convinced that a concerted effort by appropriate elements at the Military Academy is required to retain what we now have of the Cadet Honor Code and that a routine acceptance of this report without positive action is not the answer."

These comments stand in dramatic contrast to the Honor Review Committee's reports of the mid- and late 60s, which concluded that the Honor Code and

Honor System were "highly regarded, well understood, and strongly subscribed to by the members of the Corps of Cadets" (1964) and that they "continued to hold their high place as matters of special trust and regard by the Corps" (1967).

In July of 1974, the departing Superintendent provided the incoming Superintendent with a report concerning honor at West Point. The report, which had been prepared for him in 1970, made the following observations:

> "I believe, based on close contact with many cadets during my assignment to the faculty, conversations with others similarly assigned at that time and since, and comparison with my own cadet experience only a decade before, that the Honor Code is in trouble at West Point.
>
> . . . .
>
> "Reclaiming the Honor Code is a formidable task. There no doubt are in the Corps of Cadets (extrapolating from my faculty experience) a number of cadets who have violated the Honor Code and who have gotten away with it and know that they have. Some members of the Honor Committee share this knowledge. Cadets in general are aware of falling short of the cherished ideal in this area. The starting point for any improvement would have to be a mutual recognition on the part of cadets and faculty that a problem exists."

Partially in response to this strong warning, the new Superintendent established, in October 1974, a joint officer-cadet "Special Study Group on Honor at West Point" with the mission to "examine and challenge all tenets and facets of the Honor Code and System and to consider nothing sacrosanct or above question." On May 23, 1975, the Study Group issued a report which contained a number of conclusions:

> -- The "Honor Code is a clear and simple statement of an unattainable level of human behavior." It "is a goal suitable for the entire professional life of a military man and is a goal to which he should aspire in the challenging environments outside the

Academy as well as in the training period of his cadetship."

-- The nontoleration clause makes the Honor Code "philosophically hard to digest by American society in general and, to a degree, by the Army Officer Corps."

-- "[O]perational interpretations of the Honor Code vary widely and are modified frequently without the benefit of any regularized process . . . ."

-- The Honor System has "relied on mystique to cloak the very many issues and difficult judgments involved in prescribing and enforcing a system of ethics."

-- The "inflexible application" of the single sanction of separation "in conjunction with an idealistic code is certain to place considerable strain on a human system."

-- "The drift . . . toward an increasing list of specifics . . . tends to obscure the spirit of the Code and exacerbate the conflict that cadets conjure up between honor and regulations."

The Study Group prepared and administered a survey to all cadets and officers concerning attitudes toward the Honor Code and System. This 1974 survey revealed in part that:

-- 70 percent of the cadets deny that the Honor Code is uniformly adhered to throughout the Corps.

-- 60 percent of the cadets and 61 percent of the officers agree that adherence to the spirit of the Honor Code is deteriorating.

-- 39 percent of the cadets and 24 percent of the officers do not believe the Honor System is fair and just.

-- 26 percent of the cadets do not believe that the Honor System is effective in accomplishing its mission of imparting to cadets a sense of personal honor; an additional 16 percent were "neutral" on whether the Honor System has this effect.

-- 45 percent of the cadets and 45 percent of the officers do not believe that the Honor Code is realistically interpreted by the Corps.

-- 76 percent of the cadets believe that the Honor Code is used to enforce regulations.

-- 73 percent of the cadets would not report a good friend for a possible honor violation and 34 percent of the cadets would not report a good friend for a clear-cut violation.

-- 45 percent of the cadets want toleration removed as an honor violation.

Approximately 2 weeks after the Study Group's report was issued, the 1975 Cadet Honor Committee Chairman, a member of the Study Group, wrote the following to his successor:

> "This past year has been very difficult. The Honor System is in transition, and has come very close to failing altogether. Although we may perhaps have arrested the demise of the System, there is still a great deal more to be done to restore a healthy one."

The admonitions of several individuals charged with monitoring the System, the memorandum provided the incoming Superintendent in 1974, and the Study Group's report and survey results revealed widespread disaffection with the Honor System. The Study Group's report was forwarded by the Superintendent to the Academic Board and the Cadet Honor Committee as a "working document."

B. Nature and Extent of Honor Violations

As the Study Group's survey suggests, violations of the Honor Code, including toleration, have not been uncommon.

1. "A Cadet Will Not Lie, Cheat, or Steal . . . ."

The Academy's Special Assistant to the Commandant for Honor interviewed many of the cadets separated in connection with EE 304. In an August 20, 1976 memorandum he described some of the honor violations which they said had occurred during recent years:

> "Cadets have participated in violations of the Honor Code by exchanging information during the time break between class hours. This information has been passed openly between regiments and usually always in hallways of academic buildings but also possibly at prearranged meetings in the hostess' office.
>
> "Some cadets have established prearranged times during written partial reviews (WPRs) and term end examinations to meet in the bathroom to exchange answers for an examination which was in progress.
>
> "One cadet indicated that, in his company, an attitude prevailed which would prevent lying to another cadet but would support lying to members of the Staff and Faculty because the latter is viewed as 'beating the system.'
>
> . . . .
>
> "Marking of the absence card and signature in departure books is viewed as a portion of the Honor Code frequently violated. Many of the cadets I interviewed consider this to be a matter of regulations as opposed to making any type of official statement.
>
> . . . .
>
> "Cadets in charge of quarters and room inspection frequently, in a few companies, gave oral and signed false reports. Additionally, cadets in charge of quarters often mark absence cards for cadets they know to be on an unauthorized absence."

Two officer members of the Internal Review Panel made similar observations:

> "Information given both to IRP and Law Department personnel indicates that there have been widespread violations involving lying, stealing, and toleration. For example, it is apparently not uncommon for cadets to mark their cards indicating an authorized absence

> and then deliberately go off limits. Others allegedly lie to help friends. This appears to be most common at honor investigations, honor hearings, and Officer Boards. There are also allegations of stealing to include calculators, stereo equipment and books, plus items taken from the Cadet Store, PX, Book Store, and cadet activities such as the parachute club. Reference books are apparently either stolen from or deliberately hidden in libraries in order to gain unfair advantage over classmates. Beyond these, there are a variety of allegations about cadets deliberately manipulating LES ratings, revealing confidential times for inspections, misusing credit cards, conveniently overlooking absentees, miscounting repetitions on PT tests, etc., etc. Finally, there is the almost certain presence of widespread toleration of all of the above."
>
> * * *
>
> ". . . [T]estimony before the IRP indicates that cadet cheating on the EE 304 problem is only a small corner of the total problem . . . [C]heating on a large scale has gone on before in previous classes and . . . includes:
>
> 1. Group collaboration/discussion of case studies.
>
> 2. Efforts by cadets to pass on to 'second-hour' cadets, questions that were asked on 'first-hour' writs and WPRs, and similar efforts to pass to 'second-day' cadets, questions asked on 'first-day' writs and WPRs.
>
> 3. Cheating on in-class graded work by passing calculators containing answers, looking at the completed work of others which is conveniently left hanging over the edge of a desk, passing answers in latrines, and using crib sheets.
>
> 4. Lying under oath by cadets testifying before Cadet Honor Boards, Officer Boards, and the IRP.
>
> 5. Fixing of Cadet Honor Boards by having a cadet sit on the Board who will vote 'not guilty,' in any case.
>
> 6. Larceny of club equipment."

The precise extent to which these and other violations have occurred will never be known. The observations of many of those officers who sat on the IRP or EE 304 Officer Boards are illuminating. In their after action reports, they wrote:

> "I believe this recent cheating episode is only the tip of a much larger, more complex iceberg. The diffuse, unconnected, nonconspiratorial character of the cheating indicates to me we happen to have lighted on one particular skeleton in our academic closet. Statistically, it is unreasonable to assume the Class of 1977 is anomalous, an unhappy convergence of reprobates and bounders. That simply does not make sense given our admissions procedures. Moreover, I find it difficult to believe that Fortune guided us to 21 percent of a class the first and only time it ever cheated so that we could purge the miscreants and maintain unsullied the purity of the institution. If I am correct in so arguing, then there is something much more fundamentally wrong."

* * *

> "Cheating was not confined to EE 304 nor to the Class of 1977. Early indication that this was the case was amply corroborated in testimony throughout the summer that the specific incidents implicating Class of '77 members in the EE 304 problem were only the first manifestation of widespread problems with honor, the Honor Code, and the Honor System. Even though it would be fair to say that the vast majority of the persons called before the subpanels [of the IRP] perjured themselves regarding the EE 304 matter and other related incidents, sufficient evidence was forthcoming that there were widescale incidents involving academic cheating in other courses at other times."

* * *

> "I am convinced that the cheating which took place on the EE 304 computer problem is much more widespread than most people would like to believe. By this I mean, I believe that cheating has taken place long before the EE 304 problem was given out. Cheating, to certain degrees, has become a way of life and cadets aren't sure what is cheating and what is not. Of those who have not cheated or collaborated, many (I would say most) have tolerated this situation . . . . I now wonder if there is a single cadet at USMA now who could say he had not in any way broken the Honor Code."

* * *

"Although a large portion of the Class of 1977 is currently facing dismissal for cheating, there is no reason to assume that this is the only time members of this class have cheated on a large scale nor to assume that there have not been cases of comparable size in this class and classes previously and presently here."

* * *

"The Class of 1977 is not unique. The isolated yet widespread nature of cheating on the EE problem suggests that collaboration and toleration are common at West Point. This condition seems to be the result of a long term erosion of the Honor Code. Undoubtedly, other classes have been, and still are involved in cheating on a scale at least equal to '77. The Honor Code and System seem to have become a part of a game. Cadets are not concerned with being honorable. Some are concerned with finding ways to get away with as much as possible while staying within the bounds of the letter of the Code as they interpret it. Others simply are concerned with not getting caught."

* * *

"It appears to me that this situation indicates that large numbers of cadets either did not accept the Honor Code or did not consider collaboration on academic exercises to be a violation of 'their code'."

* * *

"Testimony given before my IRP convinced me that we are seeing only the tip of the cheating iceberg by looking at the EE 304 exercise. It is totally illogical to assume that this was the first time that the majority of these cadets engaged in unauthorized collaboration. It is equally illogical to assume that the Class of 1977 is the only class involved in such activities . . . . I am convinced that many cadets, both in the Class of 1977 and in other classes, had been cheating prior to the EE 304 incident. This was not a spontaneous capitulation to pressure; rather it is a disease which has spread and is only now being diagnosed. The attitudes and perceptions influenced by major events over the past three years may have been exacerbated by a variety of other circumstances, some of them peculiar to EE 304."

* * *

> "At no time did I get the impression that the EE 304 problem created a unique situation. It may have involved cadets who had previously remained aloof from--or even unaware of--other unauthorized group efforts; but, it seems apparent that collaboration was not uncommon or unusual among certain cadets. Nor Sir, am I any longer inclined to think that the problem was confined to the Class of '77 . . . . [P]rior to serving on an Officer Board I was personally convinced that reports of widespread cheating were little more than legally useful propoganda, perpetrated by clever defense lawyers. I no longer believe that to be the case."

One officer, in his termination of tour report, similarly wrote:

> "[i]t can be factually stated that the current problem did not just happen. From knowledge gained over the past three years, it was entirely predictable. Nor is the current problem confined to reported proportions within the Class of 1977, or to that particular class. There exists concrete evidence that it is very much more widespread . . . . The Honor System is not alive and well at West Point. In truth it is very sick . . . . The dismissal of 100 or 600 cadets will not solve the problem because it is much deeper than 600 cadets. The problem is the system itself . . . . The extent of the current crisis is widespread and known to few outside the Corps of Cadets."

2. ". . . Nor Tolerate Those Who Do."

The Honor Code states that a cadet will not "tolerate" those who lie, cheat, or steal. Although the toleration clause was not added to the Code until 1970, toleration has, according to the Study Group on Honor, been considered an honor violation at least since the turn of the century. Cadets who tolerate are, as explained in the Honor Committee's orientation booklet, perpetrating "as serious an offense as they would if they themselves were the violators." Although the Code proscribes toleration, it does not delineate the type of conduct which constitutes toleration or nontoleration.

The Honor Committee, however, has interpreted nontoleration as the "willful failure to report" an "observed or known" honor violation. Cadets are thus required to report themselves, as well as fellow cadets. The cadets' responsibility has been further defined by the Honor Committee in its honor orientation booklet:

> "If you observe a situation in which you believe that an honor violation *might have occurred*, you are encouraged to confront the individual you suspect. Your discussion with the cadet should clearly point out how you believe an honor violation has occurred and provide the suspected cadet an opportunity to explain the situation. Situations will arise often which immediately may appear to be a violation of the Honor Code, but after hearing the facts of what actually occurred or what was intended by the other cadet, you may be convinced that a violation did not occur. If you remain convinced that a violation did occur, you should encourage the other cadet to report it to your Company Honor Representative. *You, in turn, must report the suspected violation to your Company Honor Representative* who will ensure that the violation is investigated following Honor Committee procedures described elsewhere in this booklet. After the investigation is completed, you will be informed personally of the outcome of the investigation. *The key point to remember is that you must be completely convinced that an honor violation did not occur or you must report the circumstances to the Cadet Honor Representative."* (Emphasis added)

As this makes clear, the cadet who observes or becomes aware of a possible honor violation has no alternative except to report the offender. Nontoleration cannot be expressed by, for example, confronting the violator, counseling him, or warning him. Nothing has been entrusted to the responsible judgment of the cadet.

The Honor Committee has explained, also in the orientation booklet, the importance of the nontoleration clause:

> "The Honor Code is a training vehicle to ingrain in the cadet the fundamental basis for a code of

> professional ethics. Any Army officer is expected to put loyalty to organization and country above loyalty to family, friends, or even to self-interest. The efficiency of our Army, soldiers' lives, and even our national security depend upon it. The cadet must learn that the requirements of the service and Corps of Cadets transcend loyalty that one feels for fellow cadets. Requiring the cadet to report honor violations is a major element in this indoctrination. The only way the Honor Code can work is if it is policed by the cadets themselves. When each cadet knows that every other cadet is responsible for reporting violations, it strengthens cadet resolve to report violations. It provides a feeling of confidence that the system is being monitored continuously by those who are responsible for its operation."

However, as noted by the Study Group on Honor, the nontoleration clause has been considered "philosophically hard to digest by American society in general and, to a degree, by the Army Officer Corps." Indeed, one former Commandant of Cadets advised the Commission that the clause should be eliminated, explaining, "It seems to signify that cadets will spy on each other like a 'Gestapo.' This should not be." Many cadets have similar problems:

> "The subject of turning in someone on a violation is very sensitive. All of the cadets I have met that have expressed their views complain that it is very hard to turn in a friend. Part of this comes from being taught as a youngster not to tell on your friends so as to help them out when they make a mistake. Coming to West Point one is asked to do just the opposite by the Honor Code. If this is good or not is another question. This does however put pressure on a cadet. He has to decide to either go along with what he has been taught and violate the Honor Code or he has to go against what for eighteen years has been told and abide by the Honor Code. For a few cadets this is a hard decision to make."

* * *

> "I have found that most of the cadets to whom I have spoken feel that to lie, cheat, or steal is wrong and

> that they are able to accept that portion of the [Honor] Code. The 'toleration clause,' however, evokes mixed feelings. Although it is generally accepted that the 'toleration clause' is essential to the enforcement of the Code, cadets still find it difficult to accept. Having come from a society which teaches that to 'tell on someone' or to 'fink on someone' is wrong, and then having been told constantly during the first weeks at West Point to work together, and to cover for each other, cadets find it hard to accept the 'toleration clause.' It seems to run contrary to all that they have previously been taught."

* * *

> "Just about everyone whom I spoke to agreed that it is reasonable to expect a cadet to not lie, cheat, or steal. However, several cadets questioned the reasonableness of the toleration clause. Throughout a person's life, society dictates that a person does not 'squeal' on his buddy for minor offenses such as lying. West Point is one of the few places in modern society which not only looks favorably upon reporting a friend for lying, it demands it."

The reluctance many cadets feel about taking action which they consider tantamount to "finking" or "tattling" is intensified by having a single sanction. Reporting a fellow cadet is even more difficult if an accuser knows that the only penalty is separation and, in certain cases, mandatory enlisted service.

These feelings are apparently shared by a number of cadets, for toleration at the Academy has become a serious problem. In 1972 the Superintendent's Honor Review Committee wrote:

> "The Committee is convinced that toleration is the greatest single threat to the current health of the Honor System. Almost all cadets interviewed agree that 'no toleration' is not completely supported by the Corps. Several cadets stated that toleration is widespread. At least two cadets stated that witnesses who testified against other cadets at Honor Committee Hearings were subsequently harassed and subjected to pressure by fellow cadets because of their testimony.

> The Committee believes this problem deserves the urgent attention of the new Honor Committee."

In 1973, the Superintendent's Honor Review Committee stated that the "problem of toleration remains a serious threat to continued health and viability of the Honor Code." And in 1974 the Committee remarked again that "toleration is one of the biggest problems." Similar remarks made by members of the IRP and Officer Boards in 1976 have already been quoted.

Notwithstanding widespread toleration, very few cadets have been found guilty of toleration. During the 10 years preceding the EE 304 incident, only 2 cadets were found solely for this offense; 5 others were found in 1 year for toleration and other offenses. Convictions for tolerating violations thus accounted for less than 2 percent of the total convictions.

C. Disaffection with the Honor System

The state of honor at West Point is directly related to the viability of the Honor System, the means by which the Honor Code is taught, enforced, and supervised. "[T]o have a strong Code," testified the 1976 Honor Chairman, "there must be a strong system behind it . . . ." As the nature and extent of honor violations suggest, the Honor System has not been "alive and well." Cadet disaffection with the System has been the product of many factors, including the failure to detect or punish scores of honor violations, the rigid and narrow interpretation of the nontoleration clause, and the single sanction of separation (when combined, in some cases, with mandatory enlisted service). Other factors have also increased cadet cynicism toward and estrangement from the Honor System. The Cadet Honor Committee itself, interference with "cadet ownership" of the Honor Code, the nature and method of honor and ethics instruction, the application of the Code and the fairness of the System are the most significant of these factors.

1. Cadet Honor Committee

The Cadet Honor Committee, formally recognized in 1921, is responsible for the "supervision and administration of the Cadet Honor Code and Honor System." The Committee consists of 1 first classman elected from each company (Honor Representatives), 4 Regimental Honor Representatives, a Secretary, 2 Vice Chairmen, and a Chairman. Each company also elects one second classman every fall as an apprentice. When the Committee was first established, the position of the Chairman of the Honor Committee was, according to the Academy's 1921-22 Bugle Notes (newspaper), automatically filled by the senior class president. Furthermore, all of the upper classes were represented on the Committee.

The Academy's 1937 Howitzer (yearbook) described the Committee as "not a law-making body, not a court to try [offenders];" the Committee "functions only as an advisory and instructive council." However, after tracing the history of the Committee, the 1968 Honor Chairman wrote:

> "The Commandant of Cadets theoretically still has ultimate responsibility for actions and decisions of the Honor Committee, but in practice the Honor Committee has progressed from the position of advisor to that of almost sole responsibility and power in the administration of the Honor System."

Because of the role of the Committee, cadet attitudes toward the System depend in part upon cadet perceptions of the Committee.

By the Spring of 1976 many cadets had lost confidence in the Cadet Honor Committee. As one faculty member who sat on the IRP remarked, "It is the strong perception of the Corps that its Honor Committee is undeserving of confidence." This conclusion is consistent with the Study Group's survey which revealed that only 41 percent of of the Corps believed the Cadet Honor Committee accurately reflected the Corps' attitude about the Honor System.

The Cadet Honor Committee constitutes only 2 percent of the Corps. A few representatives are usually considered overly zealous--the "guys with the black hoods" in the cadets' vernacular. One group of cadets not implicated in EE 304 advised the Commission that the Cadet Honor Committee "placed themselves upon a pedestal above the rest of the Corps of Cadets, resulting in a 'holier than thou' attitude among some of them, and perhaps a loss of reality for others."

Many cadets, with good cause, believe that some members of the Honor Committee were corrupt. The cadet who gave the Class of 1977 its honor orientation was himself implicated in an honor charge. Based upon medical advice, the Academy chose not to pursue this charge and allowed him to graduate without a commission. As one cadet remarked, "I feel that [my] class [1977] saw the case as a big cover up and lost a lot of faith in the system at that point." Affidavits executed in connection with the EE 304 episode contain allegations against 23 cadets on the Honor Committee. The Superintendent, in setting forth his several reasons for the creation of the IRP, explained:

> "[C]harges of improper influence and the existence of 'tainted' members of cadet honor boards in the initial hearings in April were being partially substantiated by recorder interviews of accused cadets and by board witnesses. There was possible involvement of large numbers of the Class of 1977, including an undetermined number of Honor Committee members."

As of December 6, 1976, Officer Boards have found 4 Honor Representatives in connection with EE 304; 1 other resigned from the Academy while under investigation.

The Special Assistant to the Commandant for Honor in an August 20, 1976 memorandum further noted:

> "For a number of years it has been customary for some companies (probably at least three) to elect honor representatives who take a liberal view toward the interpretation of the Honor Code. In at least one company, a group of cadets combined to campaign for and were successful in electing an honor representative who openly and blatantly participated in and tolerated violations of the Honor Code. He also attempted to assist his friends should they appear before an Honor Board."

Similar comments were made by officers who had served on the IRP:

> "It is not at all uncommon to have a company elect a representative who the other members know will act to keep the company out of trouble, one who is indifferent to the Honor System or one who has been involved in various violations prior to his election. This certainly does not apply to all representatives, but the condition is widespread enough as to cast serious doubt on the workability of the system as presently constituted."

* * *

> "Many cadets claim that the entire Honor System has lost credibility due to improprieties on the part of members of the Honor Committee. Some cadets were apparently elected to that body on the basis of a campaign promise to take care of their friends. Others, once elected, apparently circumvented established procedures to suit their own whims."

* * *

> "The most generous interpretation of evidence at hand is that the process of selection of Honor Representatives for their probity has been a failure. The current membership of the Honor Committee may include persons whose philosophy is quite antithetical to the Honor Code."

The perception that the Cadet Honor Committee was corrupt derived further support from the failure of first classmen on the Committee to convict fellow first classmen. During the 10 years preceding EE 304, the Honor Committee, on the average, found only 3 first classmen per year guilty of honor violations; this represented approximately 8.5 percent of the total number found in all classes. In 1975-76, 16 first classmen were referred to Honor Boards; only 1 of these cadets was ultimately found guilty and he by the 1977 Honor Committee. This first classmen "conviction" rate of 6.2 percent stands in dramatic contrast to the 80 percent rate for plebes during this same period.

The several 11-1 acquittals also suggested improprieties. In their 1970 report on honor at West Point, former faculty members advised the Superintendent that there "have been outright flagrant cases of disregard for the imperatives of the Code, with guilty cadets absolved by the Honor Committee when there was incontrovertible evidence that a violation of the Honor Code had occurred." Similarly, the Cadet Honor Committee's current Vice Chairman for Investigations recently informed the Corps of Cadets:

> "There have been cases of board fixing that can be documented. Not only for the past year but for the past several years. For example, during the Electrical Engineering controversy this past summer, 30 of the 35 cadets were found guilty by Officer Boards who were previously found not guilty by the Cadet Honor Committee. Testimony arising out of the Officer Boards and the Internal Review Panel this summer has indicated that many of these were tampered with at the Honor Committee Board level. One cadet found guilty in the EE 304 controversy had previously been exonerated by 8 Cadet Honor Boards in his cadet career. Strong evidence also from the summer indicates that he was protected by friends on the Honor Committee."

Recognizing the problem, the Corps recently replaced the requirement of an unanimous vote to convict with a new provision requiring a 10-2 vote. According to the Vice Chairman for Investigations, "in order for anyone to tamper now with a full board under these systems, at least three voting members would have to be approached."

Many cadets also believe that the Cadet Honor Committee is part of the structure that has taken "their Code" away from them. As noted by the Commandant of Cadets in a memorandum concerning the recent "honor problem," the "Honor Committee processes were . . . surrounded with an aura of secrecy." Furthermore, the Committee has in some instances made significant changes in the Honor System without the knowledge or approval of the Corps. During a February 1976 speech urging adoption of discretionary sanctions, the 1976 Honor Chairman informed the Corps:

> "It may be of interest to you to know that, if you vote for the Honor Committee to in some cases consider alternatives to resignation, it would not be the first time that the Honor System functioned in such a manner. Of the many examples, I could give you, let's use a recent one. The Honor Committee of the Class of 1972 voted in a discretionary clause without the knowledge of the Corps. The Class of 1973, again without the knowledge of the Corps, dropped the procedure."

Similarly, without the benefit of any regularized procedure to govern change in the Honor System, the 1976 Cadet Honor Committee unilaterally adopted a two-thirds requirement for passage of the discretionary sanctions referendum. Feelings were intensified shortly before EE 304 when a majority, but not the required two-thirds, of the Corps voted to abolish the single sanction. Recent changes have also been secured through procedures which have not been approved by the Corps.

2. Interference With "Cadet Ownership"

The Honor Code derived from the "Code of Honor" of the Officer Corps of the late 1700's. According to the Study Group on Honor, it was Superintendent Sylvanus Thayer whose "strong convictions in this area are thought to have elevated the Code to the almost sanctimonious level of respect that it now traditionally occupies in the perception of cadets and graduates." The Superintendent in 1907 "decided finally that cheating should be considered to be in the domain of honor." General Douglas MacArthur, during his Superintendency, perceived a "deterioration in the Corps' sense of 'duty, honor, country'," and, in the early 1920s, "formalized" the Honor System.

The Corps and the Honor Committee have never had any punitive authority. Honor Committee findings of guilt have always been subject to officer review, including administrative board action and Uniform Code of Military Justice proceedings.

Nevertheless, for several years cadets have been told and they have believed that the Code and System are "theirs;" the belief that the Corps "owns" the Code and System has persisted. In his May 28, 1976 address to the Association of Graduates, the Superintendent stated:

> "The cadets want full responsibility for the Honor System. That is a healthy attitude. No Superintendent can run the Honor System. No Commandant of Cadets can. No Dean of Academics, no Association of Graduates, no outside group can run the Honor System--only the Corps of Cadets themselves can do so." (Emphasis added)

The Academy has often emphasized that, as in any military society, the cadets must expect to be subordinate to their military superiors. However, the conflict between the concept of cadet ownership on the one hand and the concept of appellate review on the other has not been resolved.

The concept of cadet ownership can be attributed to several sources. For many years, Honor Board findings had in fact been final determinations. Very few were appealed; even fewer were reversed. In a case where the decision was reversed and the found cadet "returned to the Corps," the "silence" (described below) was available to enforce the Board's determination.

Cadet ownership is also related to the lack of officer involvement in the Honor System. In an August 24, 1976 speech, the Superintendent noted:

> "Some of my predecesors and some of the Commandant's predecessors have literally told Tactical Officers and I guess Superintendents have told Academic Officers to remain aloof of the Honor System because 'that belongs to the cadets and it's theirs,' and the implication is exclusively."

In a recent memorandum the Commandant of Cadets similarly noted: "The staff and faculty were not comfortable as active guardians of the spirit of the Honor Code because they were not adequately briefed."

During the 1970s a series of events occurred which made serious inroads on the concept of cadet ownership. Undoubtedly the most significant of these events were the abolition of the "silence" and the number of reversals of Cadet Honor Committee determinations by Boards of Officers and the Superintendent.

a. The End of the Silence

For over 100 years the Corps of Cadets had been allowed to "silence" cadets. The silence was employed in those instances when, despite the Cadet Honor Committee's determination of guilt, the found cadet was "returned to the Corps." Custom required that the silenced cadet live and eat alone and that cadets converse with him only in the course of official duties. Most silenced cadets resigned from the Academy within a short period. One cadet, however, endured the treatment for 19 months between 1971 and his graduation and commissioning in 1973. Subsequent public disclosure of this treatment brought strong demand for the end of the silence.

The Academy, anticipating a court challenge to the silence, prepared a statement of its position in the Summer of 1973:

> "The present officials at USMA . . . believe that if the 'Silence' is outlawed it is tantamount to telling the cadets that they can no longer aspire to a code of honor that is any higher than the Uniform Code of Military Justice. They believe: 'The Code works only because the cadets operate it . . . . Denial of such authority inevitably would deny responsibility for the operation of the Code. It would also mark the end of the Honor Code as an effective instrument at USMA. Specifically, the silence is the ultimate power available to the Corps to insure its effectiveness.'"

Despite these strong feelings, the Corps, in the Fall of 1973, voted to abolish the practice. It is a decision that some cadets still blame on the courts and the public. Many cadets believe that the abolition of the silence was the beginning of the loss of "their" Honor Code and System.

b. Reversals of Honor Committee Determinations

From 1965 to June of 1973, 305 cadets were found guilty by the Cadet Honor Committee. Of those, only 15 chose to exercise their right to go before Boards of Officers. The others immediately resigned. Of the 15, only 3 were found not guilty. Thus, in over 99 percent of the cases, the Honor Committee's initial finding was in fact the final determination.

Commencing in the Fall of 1973, cadets in larger numbers began to request de novo hearings before Boards of Officers. During the academic year 1973-74, of the 25 cadets found guilty by the Cadet Honor Committee, 10 sought review by Officer Boards. Five were found not guilty. Thus, in one year the Cadet Honor Committee was reversed by Officer Boards more times than it had been in the previous 8 years. This trend continued in 1974-75 when, out of 24 cases in which cadets were found guilty by the Cadet Honor Committee, 14 requested Boards of Officers, and 7 were found guilty. Two of those 7 were reversed by the Superintendent. In 1975-76 (excluding EE 304 cases), 14 of 24 found cadets requested Boards of Officers. In 4 of those cases, the Cadet Honor Committee was reversed. Thus, for the first time in the history of the Honor System, large numbers of found cadets were being returned to the Corps. Coming immediately after the abolition of silence, the one means the Corps believes it had to express disapproval of the returned cadets, this new pattern has caused great unrest in the Corps. As one group of cadets explained in a memorandum for the Commission:

> "The Corps felt that the honor that was supposed to be there was not there. Cadets who the Corps felt had violated the Code were able to remain at the Academy and graduate. If this was the case, someone could possibly figure honor was not as important as it was purported to be. The general attitude about honor and the Code was relaxed in that cadets would not concern themselves much with watching out for honor violations or preventing honor violations. Cadets of the upperclass at that time were not unknown to make jokes about honor and in some ways not believe in it. This . . . was because the Honor System, as far as some of the Corps felt, was not doing what it stated it should do to enforce the Honor Code . . . . [T]he Corps was being shortchanged because cadets they felt had violated the Honor Code were still at the Academy."

A case in 1975-76 brought this issue into sharp focus. A plebe, still in Beast Barracks (summer orientation for new cadets), was seen crying by an upperclassman. When asked the reason, he told the upperclassman that his parents had been injured in an automobile accident. After the story proved to be false, the plebe was charged with an honor violation. The Cadet Honor Committee and a Board of Officers found the cadet guilty.

During the period of these hearings, the cadet was placed in transient barracks and allegedly isolated and mistreated by fellow cadets and Academy officers. The case received national attention in the press. In early March of 1976, the Superintendent, concluding that the cadet lacked the requisite intent to deceive, reversed the Cadet Honor Committee and the Officer Board's findings of guilt and ordered the cadet returned to the Corps. This decision was for many the final straw. Several members of the Corps expressed outrage at these actions, and there was talk of physical revenge against the returned cadet. The Cadet Honor Chairman advised the Corps by memorandum:

> "We must remember, no matter how hard it may be for some of us, that all individuals should be given the respect due them as human beings and that we have no authority or right to infringe on their human dignity. We have the right to choose who we associate with, and who we speak to; but we do not have the right to take any physical actions toward others."

The feelings of the Cadet Honor Committee members were so strong that a number of them submitted resignations:

> "As a result of moral and ethical considerations, I can no longer, in good conscience, serve on the Cadet Honor Committee. Much thought has gone into this decision and it is final."

* * *

> "I fail to understand the Superintendent's reasoning in overturning the ---- case. I have tried to justify the Superintendent's decision for quite some time now, but have been unable to. For these reasons I have decided to leave the Committee in protest, and do hereby resign my position."

* * *

> "I feel the decision to reinstate the cadet in question and the manner in which he was reinstated are incompatible with my personal beliefs about the Honor Code . . . . a. First, it would mean I must officially accept as a cadet in good standing a person who has violated the Cadet Honor Code. This is contrary to everything I have ever believed about the portion of the Code which states, 'a cadet does not . . . tolerate one who does (lie).'"

* * *

> "The most disturbing thing that I have seen as a result of this decision is that the Superintendent apparently does not feel that he must use the same criteria for judging guilt or innocence under the Honor Code that the cadets and the Officer Boards use . . . . At this time, due to the decision in the ---- case the Superintendent has caused many cadets to lose faith in the Honor System and therefore in the Honor Committee also. Many cadets have been forced to take the position of 'Who Cares?' It is of the utmost importance that the Corps is shown that someone definitely does care, and that those people who care can be found in the Honor Committee. The Corps wants somehow to voice their feeling that we have come to the point where 'enough is enough.'"

In the Fall of 1975 another controversial case occurred. A cadet, when confronted with evidence that he had plagiarized an English paper, submitted his resignation from the Academy. He subsequently withdrew that resignation and advised the Cadet Honor Committee that, while the paper submitted was indeed plagiarized, he did not intend to deceive anyone; it was his intention to admit the plagiarism and use it as a way of resigning from the Academy. He told the Cadet Honor Committee that he had changed his mind and now wanted to remain at the Academy. Eleven members of the Honor Committee believed the cadet to be guilty; one voted not guilty. Because a finding of guilt required an unanimous vote, the cadet was not found guilty.

A number of faculty members and Honor Committee members were outraged. Although all voting is supposed to be secret, the Cadet Honor Chairman requested and received from the Cadet Honor Representative who voted not guilty a written statement of the reasons for that vote. This statement was forwarded to the Commandant of Cadets who, after reviewing the matter, referred the case to an Officer Board. The cadet, despite his acquittal by the Honor Committee, was found guilty by the Officer Board.

3. Honor Instruction

The importance of character development at West Point is beyond dispute. In his often-quoted observation, Secretary of War Newton Baker said: "In the final analysis of the West Point product, character is the most precious component." The Superintendent similarly stated that a "system of ethical development" is "absolutely essential if we are to fulfill our obligations in providing the best possible leadership to the soldiers of this country." Nevertheless, the core curriculum offers no ethics instruction which would provide an intellectual base for honor education and assist cadets to make value judgments concerning moral issues they may face. Only one ethics course--an elective--is offered in the senior year. The Superintendent, during an August 24, 1976 talk, noted:

> "[T]here has been great thought given to ethics courses, putting some leadership instruction earlier in the cadet life, but not nearly as sensitive attention as we're about to give to it right now. We have just had a month long study under the Academic Board on ethics instruction. We have a curricular study underway, which has been underway since January, and

> I'll just say to the Chairman of that curricular study group, let's incorporate into this the ethics and the leadership and the proposal or the proposition of putting some leadership training earlier. As you know, it's easy to say we need an ethics course, but can you define what ethics you're talking [about] and how you teach it, and what qualified faculty do you have to teach it. It becomes extremely complex. There's another part of it--the number of courses you have required for graduation."

The Academy has considered the Honor Code and System to be "the principal method for developing habitual honesty and integrity." Yet honor instruction has been entrusted almost solely to the Honor Committee. In 1974 less than 1 percent of the Corps believed that they had gained most of their knowledge about the Honor Code and System from tactical officers and professors. Cadets who are not members of the Honor Committee also have failed to take an active role in honor instruction. As noted by the 1957 Honor Chairman:

> "Nothing so frustrates Honor Education as having members of the Corps believe that only Honor Reps understand Honor. . . . The quickest way to defeat this is to so orient the first class that squad leaders can help orient plebes from that first day."

Similar sentiments were expressed by current cadets:

> "[I]f every squad leader possessed the knowledge to present a class on the Honor System and discuss the ethical concepts of being an honorable man, this would possibly generate the spirit of the Code throughout the Corps of Cadets."

Unlike most academic courses, honor instruction frequently has been presented in large groups. One cadet, during the Superintendent's September 8, 1976 address to the Class of 1979, queried whether

> "there has been any consideration in changing the method of honor instruction from the M1, A1 Army method to make it more personal and some sort of instruction where the person can actually benefit and actually

> question his own morals."

According to a faculty member, "even when Honor Committee Representatives hold company sessions to address [honor] matters, there is frequent high absenteeism because attendance is not absolutely mandatory." The criticism most often made, however, concerns the nature of honor education.

Upon entering West Point, cadets consider the Honor Code to be a special, sacred trust--something to be exalted and something quite different from the numerous regulations which govern every aspect of cadet life. Unless the spirit and simplicity of the Code are impressed upon cadets, the unique nature of the Code is lost, and it becomes part of the "system to be beaten." Avoiding this result has apparently been a perennial problem. For example, the 1934 Honor Chairman advised his successor: "Above all, be ever guided by the spirit of our Code." The 1947 Honor Chairman similarly wrote:

> "Here is a place to stress personal honor by letting the man figure it out himself within his own mind with you furnishing the guides or rudiments. This implies simplification, and certainly this should be your goal. Make the Honor System a cadet system of certain basic points with emphasis on lying, stealing, cheating, etc. Do away with the many poop sheets and interpretations that have come down through the years while attempting to consolidate and simplify the Honor Code and its application to the Corps. Just remember that the Honor Code that has worked here at West Point has worked because of its simplicity. This point I can't stress enough."

And the 1953 Honor Chairman:

> "[A] great concern of the Committee should be the promotion of the spirit of the Code throughout the Corps."

And the 1957 Honor Chairman:

> "When we took office we inherited from past Committees a 13 page mimeographed poopsheet on Committee stands on everything under the sun . . . . It was the practice

> of the Committee to sit down with their respective companies the first of September and recite as dogma this pamphlet of answers to problems.
>
> "On the surface this appears to be a good, business-like way to run a factory, but the unfortunate consequence of this action was to cause most of the Corps of Cadets to quit thinking for itself.
>
> . . . .
>
> "[A]ny time the Honor Committee gets more involved than 'lie, cheat, or steal,' . . . trouble lies ahead. The function of the Honor Committee is to teach people to think and act honestly and to insure that they do."

Nevertheless, the Honor Committees during recent years have utilized a "cook book" approach in honor education. One cadet remarked:

> "With the exception of the Class of 1980, most of the cadets I talked with feel that the initial instruction they received on the Honor System did not emphasize the spirit of the Code."

The Study Group on Honor similarly noted that the "drift . . . toward an increasing list of specifics . . . tends to obscure the spirit of the Code and exacerbate the conflict that cadets conjure up between honor and regulations."

Although, subsequent to EE 304, the Honor Committee attempted to place greater emphasis on the spirit of the Code, its instructional material continues to read like a set of regulations with snap answers to difficult questions. Cadets are, for example, told:

> "In general, an honor violation is any statement or act made with the intent to mislead or misrepresent or which would give the violator or other individuals involved undeserved immunity or unfair advantage over other cadets. This involves either lying (which includes quibbling, i.e., concealing the truth through technicalities, presenting a half truth instead of the facts), cheating, stealing, or tolerating any of these actions by another cadet."

Thus, they are informed:

> "Cadets may not register in a hotel with members of the opposite sex by signing Mr. and Mrs."

but:

> "If an additional person spends the night in your room or you spend the night in their room, you are bound to report this fact to the management with an offer to pay for the additional guest. If both you and your guest had rooms in the same hotel, it would make no difference where either of you slept."
>
> * * *
>
> "You may tell your hostess thay you enjoyed the meal, when in fact you did not like the meal."

but:

> "Social honor cannot be used to get yourself out of an uncomfortable situation, i.e., you cannot cancel a date because you are room orderly."

The failure of the Academy to provide necessary ethics and honor instruction as well as the nature and method of the instruction given have caused some cadet dissatisfaction with the Honor System. The needed instruction would not, of course, be a complete answer. As Derek C. Bok, President of Harvard University, recently wrote:

> "[I]f a university expects to overcome the sense of moral cynicism among its students, it must not merely offer courses; it will have to demonstrate its own commitment to principled behavior . . . ."

4. Application of the Honor Code

The Commandant of Cadets in a memorandum concerning the "honor problem" stated:

> "A feeling of confidence in the fairness of the entire system is today the key to complete intellectual as well as emotional commitment toward the system by intelligent young Americans."

Such a feeling was lacking prior to EE 304. Indeed, the Study Group's 1974 survey revealed that only 39 percent of the cadets believed the Honor System to be fair and just.

To a large extent the perceptions of unfairness have been the product of an inflexible single sanction. Recently, for example, a cadet who reported himself for stating that he had done 20 sit-ups, when in fact he had done only 18, was found guilty of an honor violation. The Academy recommended to the Department of the Army that the cadet be separated. While this particular incident has been publicized, it is not unique; other similar cases have occurred during recent years. Indeed, in 1970 a cadet who reported himself for telling his squad leader that he had done 10 pull-ups when in fact he had done only 2 was also found guilty by the Honor Committee and resigned. Cadets soon realize that those who have enough integrity to admit their mistakes suffer the rigid penalty of expulsion (and, in some cases, enlisted service), while others violate the Code with impunity and go on to graduate.

Furthermore, as a result of technical, highly legalistic interpretations of the Code, cadets have, pursuant to the single sanction, been effectively deprived of a career as an Army officer for conduct which cannot fairly be characterized as having made them dishonorable. The 1975 Honor Committee, for example, ruled that "bedstuffing" is an honor violation. The 1933 Committee, in reaching the opposite conclusion, stated that while "bedstuffing" is "deceitful," it is "certainly not dishonorable."

The perceptions of unfairness are also attributable to confusion and inconsistency in the interpretation of the Honor Code. As the Study Group on Honor noted: "Operational interpretations of the Honor Code vary widely and are modified frequently without the benefit of any regularized process . . . ." Not only has there been disagreement as to the application of the Code in individual cases, but there also exsist differing views on its very nature. The Study Group concluded that the Code "is a clear and simple statement of an *unattainable level* of human behavior. It is an *idealistic code* and not a picture of reality." The Honor Committee, however, describes the Code in its orientation booklet as a "vital and valued tradition which establishes the *minimum standard* of integrity and self-discipline essential to the soldier-leader." The difference in emphasis is significant. The first accepts the standard reflected in the Code, seeks adherence, but recognizes that human frailty may preclude realization of the ideals to which all should aspire. The second treats the Code not as an ideal but as the lowest common denominator of acceptable conduct, assumes that all not only should but can comply, and inherently justifies ostracism for anyone found inadequate. Concepts of human weakness, the possibility of failure, contrition, and redemption are absent. It also assumes that honor is either innate or self-generated; that it is not an acquired trait resulting from education and understanding.

Furthermore, cadets have seen other cadets and officers exploit the Honor Code as a means of evading their own responsibilities. Throughout the history of the Honor Code and System, Honor Chairmen have warned against the use of honor to enforce regulations. The 1937 Chairman, for example, advised:

> "The loss of interest [In the Honor System] may also be due to the fact that the Tactical Department . . . has placed too heavy a burden on the System by its insistence upon including more and more pure regulations in the System . . . . [D]o all in your

> power to prevent the burdening of the System with petty regulations . . . ."

And in 1953, the Chairman wrote that the "Honor Committee is dominated by the Tactical Department" and that the Code "is becoming too involved with regulations and administrative requirements." The problem still exists. In 1974, 76 percent of the cadets believed that the Honor Code is used to enforce regulations. The role of officers in the Honor System has been limited to reporting honor violations and reviewing Honor Board determinations. Indeed, through the 6 years ending June 1976 (excluding EE 304 cases), 44 percent of the cadets found guilty by an Honor Board were reported by officers.

Finally, as the Commandant of Cadets wrote in his memorandum on the "honor problem," Honor Committee "operating procedures had not moved to keep pace with societal expectations for open hearings and due process." Complaints have been made concerning Honor Committee procedures: 1) inadequate notice of Committee proceedings and of the specific charges and evidence against the accused; 2) lack of an adequate opportunity to confront witnesses against the accused and to present witnesses on his behalf; and 3) no right to consult with counsel prior to a hearing. Investigative procedures have often been alleged to be inadequate. Cadets are told, in the Honor Committee's orientation booklet, that they are required to give evidence against themselves because:

> "Cadets are being prepared to assume the responsibilities of leadership in our Army. As officers they must give accurate reports or answers to questions no matter what the personal cost or whom they might incriminate. Officers cannot fulfill heavy responsibilities for lives, property, and the national interest if they equivocate or fail to respond with the whole truth."

According to one federal court, "It is clear that the proceedings before the Cadet Honor Committee . . . [are] wholly lacking in procedural safeguards . . . ." Andrews v. Knowlton, 509 F. 2d 898, 907 (2d Cir. 1975).

Procedural rights, however, have been considered "legal technicalities" which have little to do with the guilt or innocence of accused cadets. According to the Academy and the courts, the "due process" hearing at the Officer Board level "legally" cured the defects in the Honor Committee procedures. To some cadets, however, this did not justify the unfairness, because the finding of guilty by the Honor Board has its own consequences. These consequences are perhaps evident from the remarks of one cadet:

> "Cadets who have been found guilty by the Cadet Honor Committee should not merely be transferred to other companies, but rather placed in some form of transient barracks. Having the guilty cadets intermingle with the Corps creates the possibility of their antagonistic attitude towards the Honor Code tainting gullible individuals."

As one memorandum on the Honor Code and System also concludes:

> "It is probably true that individuals within the Corps continued to ostracize an individual who is believed to have violated the Honor Code but has remained in the Academy. However, this ostracism is in fact individually exercised and the cadet chain of command as well as the Tactical Department take pains to insure there is neither physical abuse nor official recognition of this action."

The Cadet Honor Committee proposed and the Corps recently accepted certain changes in their procedures so as to provide "due process." While most would agree with the purpose of these changes, some have been critical of their specifics. For example, one former Commandant remarked:

> "The new procedure for conducting hearings of honor cases before cadet boards, as voted by the Corps of Cadets in a recent referendum, is believed to be fraught with such serious dangers that it might in the course

> of a few years have disastrous consequences for the Honor Code and the Academy. Hitherto Honor Board hearings have been a simple and straight forward action by cadets themselves without involvement of officers or lawyers, concerned only and directly with determination of the facts as to the truth or falsity of the alleged honor violation. Courts have consistently ruled that the outcome of these honor committee actions are not subject to appeal to courts, since they are not legalized/formal court trials, but informal cadet investigative hearings for fact finding conducted entirely within the jurisdiction of the Cadet Corps itself. The new procedure takes these hearings outside the sole province of the Corps of Cadets, and by introducing a "trial by jury" court-like procedure with defense lawyer, trial attorney, and legal advisor automatically becomes involved with a multitude of legal and technical matters which can become so long drawn out as to bog the Cadet Board down in confusion and hopelessly tie up these young and inexperienced cadets in legal niceties instead of their being solely concerned with the relatively simple matter of determining whether or not the facts support the alleged honor violation. I speak from the experience of having been a member of the Honor Committee of my Class."

D. The "Cool-on-Honor" Subculture

An environment of numerous unpunished honor violations and widespread disaffection with the Honor System has supported the development of what has been termed the "cool-on-honor" subculture. This subculture is a largely unorganized group of cadets who justify certain honor violations and "beating" the Honor System. It is comprised of cadets who fall along the continuum from the "hard core" violators to the tolerators to the indifferent. The Commandant of Cadets, in an August 30, 1976 address to the Third Class, described the method by which individuals have often been "recruited" into this subculture. Referring to those cadets implicated in EE 304, he stated:

> "In every single case that was disclosed it happened either in Plebe year, or perhaps early in Yearling

> year. Whether or not this is just rationalization or whether it's true, the story goes something like this. I came out of Beast Barracks and I felt kind of good about this thing. Back home a lot of guys cheated, but one of the reasons I came to the Army is because I thought people here didn't. And I came to West Point and I was enthusiastic about the Honor System and, while I was a little bit skeptical, I thought for the first time in my life I was with a whole batch of people who were straight. They weren't taking advantage of me. I wasn't taking advantage of them and the whole thing seemed to make sense. One day I was in the corridor and I heard a couple of people--they were talking about something and obviously they weren't--what they were talking about was an unauthorized getting together regarding some academic matters. And from then on I kind of wondered if I was the only guy here who was straight, then they allowed--well within their small group they didn't quite abide by the rules and from then on I just sort of took only parts of the Honor System."

The Special Assistant to the Commandant for Honor, in a memorandum dated August 20, 1976, similarly wrote:

> "Several cadets indicated that cheating was a way of life for them which began during fourth class year. Often as fourth classmen, they overheard upper classmen exchanging information on examinations, which was a violation of the Honor Code. Some also overheard upper classmen make such comments as 'I'm thankful that my friend was on my honor board last night so he could vote not guilty. Had he not been there they would have got me for sure.' They thus became tolerators of honor violations and did not know what to do. Subsequent violations became easier."

Of course, more has been involved than simply observing a couple of other cadets violating the Code. Many cadets who confronted violators or discussed the matter with someone else have been told "Don't worry about it--you'll understand when you get older." Because of obvious peer pressure, present especially in cadet companies or athletic squads, many cadets have avoided taking action which resembles "finking" or "squealing" and which might result in a fellow cadet being expelled from the Academy.

These pressures have often been intensified by the Academy's Leadership Evaluation System (LES), the method by which cadets rate each other's leadership abilities (see discussion in Part Two, Section III.C.). Referring to the LES, one cadet IRP member noted:

> "The presence of definite cliques in certain companies became evident through the testimony of certain witnesses. These cliques are apparently so strong in some companies that they are able to control the companies by illegal (or at least unethical) means."

In other cases , the pressures have been reinforced by simple fear. As one IRP officer member wrote:

> "A large number of cadets told me they were not sure they could turn in a classmate for cheating. They knew it was hard but they feared what might happen to them. This fear was both from a physical as well as social level."

In those instances where a plebe observed an upper classman commit an honor violation, the situation has been even more difficult. The difficulties are apparent from the following comments of one group of cadets:

> "In his military life at West Point, each cadet progresses from a state of lowest inferiority (fourth class) to a state of superiority (first class). In this development, everyone begins to perceive the functioning of the hierarchial order in his own way.
>
> . . . .
>
> "[T]he distinction between classes leads to a situation of difficulty of a specific nature. It is generally understood (and overwhelmingly practiced) that the upper classmen should correct lower classmen. Here there is no problem . . . . [There] arises the question of whether or not under classmen should correct upper classmen (even if only in extreme situations). Politically (as seen by Congress) all cadets possess an equal status . . . . And yet, the hierarchial order here greatly overrides this tendency . . . ." (Emphasis added)

Academy figures indicate that, of those approximately 70 cases where the Honor Committee found an upper classman guilty during the past 10 years, not one violation was reported by a plebe. As one former Academy official told the Commission, "It would take more than courage for a plebe to report an upper classman."

"Recruitment" into the subculture can, in some cases, be attributed to other factors. One cadet found guilty of collaborating in EE 304 testified before Congress:

> "The reason I did, I know, is at the time I didn't look at it as cheating, trying to get over on somebody, taking unfair advantage of my classmates. My roommates were having a rough time on the problem. Electrical Engineering was my major. I had done a problem a week ahead of time. I thought it was easy. These guys were struggling over it, and asked me for help. And just out of the comradeship that we have, the comradeship that West Point tries to instill in everybody--stick in there together--these guys are going to be in the same foxhole with you some day, you have to try to rely on that person."

In 1967, the Superintendent's Honor Review Committee observed:

> "The cadets interviewed, as well as this Committee, are in agreement that any 'cheating' scandal would find its beginning in a 'toleration' situation, i.e., a cadet would observe a friend or roommate cheating but because of their closeness would not report the incident. From that point a vicious chain would gradually find its way to other cadets."

Cadets not implicated in the EE 304 incident also advised the Commission:

> "This sort of thinking leads right into the policing of the Honor Code by the cadets. When this sort of attitude toward the Honor Code is present a series of incidents could lead to a person doing much cheating because he can get away with it or mass cheating because he then brings into his habits other people who are led down the wrong path."

In an environment that promotes honor, such a chain of events is neither necessary nor inevitable. The state of honor at West Point prior to EE 304 was, however, different.

III

ENVIRONMENT OF THE ACADEMY

The Honor System cannot be viewed in isolation. The Commission has therefore looked beyond the System to determine whether the total Academy setting has been supportive of the Honor Code and System. We have concluded the the institution has not appropriately supported the Honor Code and System.

Since 1964, the size of the Corps has increased from 2,500 to its current strength of 4,400. Commenting on this increase, the Superintendent, in a June 15, 1976 address to the Royal Military College (RMC), stated:

> "Some believe that the expanded Corps has radically changed the institution. While the expansion of the Corps of Cadets and of West Point's staff and faculty is bound to have affected the cohesiveness, attitudes, outlook, and environment of people and institution, it is too early to evaluate accurately these effects. There is reason to believe that West Point's expansion occurred at a faster rate than its assimilative processes and that it became more impersonal and less cohesive."

The 1938 Honor Committee wrote:

> "The lack of interest--and what is worse, a growing lack of faith--in the system may be due to several things. It is possible that it is the result of the large classes that have been admitted as plebes these last 2 years."

During this period, the Academy has commendably sought cadets from disadvantaged economic and social backgrounds, some of whom bring bring with them values which differ from the concepts of the Honor Code. Some cadets from advantaged backgrounds also have values antithetical to the Code. The difference from earlier periods is only one of degree. As the 1948 Cadet Honor Chairman noted:

> "[A] very large percentage of the men entering the Academy have ideas on the importance of lying, cheating, and stealing which differ greatly from the concepts of our code of honor. To change their mode of thinking in a month or two requires a great deal of work since it must, in some cases, overthrow the training of the preceding 20 years."

The argument about changing societal values was rejected by one faculty member:

> "Individuals have been deploring the changing values of youth since the time of Socrates, and to say that society is changing is simply trite. If the Honor Code is accepted to be a correct guide, then it is immutable in the same manner as the Ten Commandments . . . ."

The Commission recognizes that the size of the Corps and differing values of some cadets may have militated against support for the Honor System and believes that the Academy has not adequately adjusted to these changes. It further believes that other institutional problems were the primary causes of the erosion of respect for the Honor System.

A. Mission

The official mission of the Academy is "To instruct and train the Corps of Cadets so that each graduate will have the qualities and attributes essential to his progressive and continued development throughout a career as an officer of the regular army." The word "educate" nowhere appears in the mission statement. The Academy has, without success, requested an amendment to the mission statement to include the word "educate."

Few disagree with the goal of an Academy education as set out in the Report of the Superintendent's 1966 Curriculum Review Group (Bonesteel Report): "The cadet when he graduates should have had academically a modern, high quality, useful, and stimulating undergraduate education in which he can take pride." The problem is determining how much attention should be accorded to the academic component of the overall Academy mission. The Commission has heard widely divergent opinions on this issue. One view, relegating academic study to a low priority, is that the new graduate should be ready to lead a platoon into combat. This view is an extension of certain recent Academy practices. Specifically, the Academy has, by incorporating various military skill competitions into the academic year program and by increasing cadet participation in the administration of the Cadet Corps, tried to bring the training programs "closer to those of the field Army." This trend was described by the Superintendent in his RMC speech:

> "Between 1964 and 1976, the focus of military training of cadets tended to change from preparation for generalship to preparation for lieutenantship . . . . Training programs and techniques have generally moved closer to those of the field Army as West Point increasingly has focused more on officership than on cadetship and on practical, motivational military training. Military skill competition similar to the competitive exercises at Sandhurst have been incorporated in the professional curriculum during the academic year, and cadet company teams compete in land navigation and weapons firing." (Emphasis added)

As further evidence of this thinking, the Superintendent's 1976 Curricular Study Group in its report noted it had considered proposals that "envisaged inserting short periods of field training during selected weeks or on weekends spread throughout the year" as well as the "insertion of a 4 week mini-term for military training in the middle of the year, between terms." Many officers in the Academic Department are disturbed by what they see as a growing displacement of the academic curriculum and study time by military skill training. The Curricular Study Group itself noted this problem when it observed:

> "The exchange program during the fall of 1975 produced indications that academic activities are accorded a higher place in the perceptions of midshipmen and Air Force cadets than is the case at USMA."

Many Academy officers and cadets do not believe that the cadet can obtain "a high quality, useful, and stimulating undergraduate education" while simultaneously attempting to meet increased military training and cadet leadership responsibilities. Cadets themselves do not believe that they have adequate time to meet the demands of their weekly schedule. For example, in a March 1976 cadet time study, three-quarters of the cadets surveyed reported that they needed more time for their academic work.

The 1966 Bonesteel Report, noting the "detectable tendency for the academic faculty to view the qualitative requirements of the basic mission somewhat differently than do those in the Tactical Department," called for:

> "[A] clearer recognition on the part of all concerned of the need for a commonly understood, well-integrated, internally consistent, total perspective on how the mission of the Academy is to be best carried out. The Military Academy, of all institutions, should avoid all possibilities of operating as a loose confederation of autonomous elements each holding its own concept of how best to contribute to the total mission."

The failure over the last decade to achieve a commonly understood perspective on how the Academy's mission is to be carried out contributed to the pre-EE 304 atmosphere--an atmosphere described by one faculty member as follows:

> "There appears to be a general disdain for academics among a significant number of cadets. Academics are

> considered to be something relatively unimportant and to be suffered through but not really very useful. A good part of this appears to stem from the emphasis placed by the institution on military skills.
>
> . . . .
>
> "A final point with respect to the attitude toward academics is the reluctance of many Distinguished Cadets to wear stars for fear of criticism from contemporaries. A Distinguished Cadet is a departure from the norm and is thus frequently not well received."

B. Academic Curriculum

The academic curriculum includes required or "core" courses. Of the required courses, approximately one-half are science, engineering, or math courses. Each cadet is allowed, depending on his chosen area of concentration, a number of additional electives, not to exceed 8. A cadet may concentrate his electives in: applied sciences and engineering; basic science; humanities; or national security and public affairs. The Academy stresses that an area of concentration is not a major.

The curriculum has undergone major revisions since the founding of the Academy as an engineering school in 1802. Current curriculum changes have their origin in a 1957-58 curriculum review which recommended advanced and elective work. As a result of this study, cadets in 1960 were allowed for the first time to select 2 electives. By 1964, the number of allowed electives had increased to 4, and in 1967, the elective option increased to the present number of 6, 7, or 8. Cadets can choose their electives from 173 different elective offerings.

In 1972, a Curriculum Review Committee (Kappel Committee), composed of 4 civilians, stated:

> "We have been impressed with the progress made by the Academy during the past decade in keeping the curriculum in tune with the recent social changes and the changing requirements of a modern Army. Contrary to the general perception of the Academy as an engineering school, we find a well-balanced program which is dual-track in nature--a mathematics, science, and engineering track on the one hand; and a social sciences and humanities track on the other. The flexibility provided to the young officer by this program is an asset to both the officer and the Army."

The Kappel Committee urged continuing periodic curriculum reviews.

On January 13, 1976, the Superintendent established a Curricular Study Group to:

> "[C]onduct a comprehensive study of the United States Military Academy's academic program and curriculum and . . . recommend those modifications and changes considered necessary to strengthen and improve the quality and appropriateness of the program and curriculum within the continuum of education of the United States Regular Army officer."

A group of young officers advised the Curricular Study Group that:

> "We feel that the most compelling reason for changing the curriculum is that the cadets are so overloaded with work, so burdened by their fragmented and hyperactive daily schedule, that they do not profit intellectually from their educational experience. In terms of semester hours alone, cadets are required to have 153 for graduation (including MS and PE) compared to 123-130 at a civilian institution. In terms of class contact hours, cadets are in class for longer periods a day and for more total hours per day than comparable (ROTC) students at other institutions. When the additional military and athletic requirements are added in, the resulting time commitments effectively preclude adequate academic preparation, in our opinion, and are extremely detrimental to the unseen side of educational growth--time for reading, thinking, investigating, and reflecting. It appears that almost every course has increased the amount and difficulty of work required of students . . . . While many of these changes may be necessary or even desirable in isolation, the combined impact has been to overburden

> the cadet. The result is a superficial academic experience. This superficiality is reinforced by instructors and cadets alike in order to protect the overscheduled cadet."

The Curricular Study Group recommended that the number of courses required for graduation be reduced from 48 to 42. The Study Group based its recommendation on its belief that a reduction in the number of courses per semester from 6 to 5 would reduce the "multiplicity of simultaneous courses which tends to produce fragmentation of focus and of effort." The Curricular Study Group did point out, however, that this change would reduce cadet class time by only about 5 percent or 12 lessons per semester. The Study Group recommendation was adopted by the Academic Board on November 20, 1976, and forwarded to the Army Chief of Staff.

The proposed changes do not meet the criticism of some cadets, faculty members, and graduates who characterize the curriculum as unstimulating and stifling to intellectual curiosity. While the curriculum revision may allow greater cadet attention in each academic course, it does not significantly lighten the time pressures on cadets, nor does it consider teaching methods. It certainly does not meet the request of the young officers made in a memorandum to the Curricular Study Group:

> "[T]o re-evaluate the entire cadet experience as an integrated totality--academics, athletics, military training, extracurricular activities, etc.--to determine if the Academy is fulfilling its mission in the most effective way. There are many issues of balance and priorities that need to be addressed that are beyond the scope of our curriculum revision that impact on the effectiveness of the academic experience at West Point."

C. Academy Leadership

1. The Superintendent

The Superintendent is charged by law with responsibility for the "immediate government of the Academy." 10 U.S.C. sec. 4334 (b). Selected from the ranks of Army general officers, the Superintendent has traditionally been an outstanding combat leader. His selection has normally not been predicated upon an ability and interest in providing educational leadership. Assignment as Superintendent is considered to be a step toward higher responsibility; transfer to other responsibilities and promotion are the expected pattern. On the way to this higher responsibility, a Superintendent spends slightly less than 3 years at the Academy.

Many of those interviewed by the Commission believe the 3-year tour is too short to allow the Superintendent to provide educational leadership. Concern was expressed that each Superintendent seeks to leave his distinctive mark on the Academy. This results in frequent shifts of emphasis without the continuity necessary to effect evolutionary change. As noted by a committee of permanent associate professors in their 1965 Special Report to the Superintendent:

> "It is felt that such tours are too short to contribute to maximum required stability, and that longer tours would tend to reduce institutional fluctuation and instability in programs."

Questions have also been raised about the emphasis placed in selection of the Superintendent on combat command experience; effective combat leadership does not necessarily ensure the ability to provide educational leadership.

In carrying out his responsibilities, the Superintendent is assisted by the Academic Board. Unlike most civilian college presidents, the

Superintendent has had no authority to participate actively in the selection of his ranking aides. The Commission believes that the authority of the Superintendent should be redefined. In addition to his status as a commander, he is the principal executive officer of an educational institution and should have the powers normally associated with such status.

2. The Academic Department

a. Dean of the Academic Board

The Dean of the Academic Board is selected from among the permanent professors who have served as heads of departments of instruction and performs "such duties as the Superintendent of the Academy may prescribe with the approval of the Secretary of the Army." 10 U.S.C. sec. 4335. The Dean, during his period of service, holds the grade of brigadier general. 10 U.S.C. sec. 4335. Under Academy regulations, the Dean advises the Superintendent "on academic matters and questions of general policy." Additionally, he serves as "the Superintendent's Deputy for the activities of the Academic Board and the academic departments."

The Dean has no set term of office. The current Dean was selected in 1974, his predecessor having served 9 years. Frequently, an officer selected as Dean has remained in that position until his retirement from active military service with the result that successive Superintendents have had no opportunity to participate in the selection of the Dean who serves under them.

b. The Academic Board

The Academic Board is composed, by Academy regulation, of the Superintendent, the Dean of the Academic Board, the Commandant of Cadets, the Professor of Military Hygiene, and the heads of the academic departments. Each department head is a full permanent professor allowed to remain on active duty until age 64. 10 U.S.C. sec. 3886. The Academic Board is, by regulation, charged with the responsibility for "the course of studies and methods of instruction."

The Academic Board has its origin in a perceived need for a system of checks and balances. It is described in a 1975 Academy "Information Paper" as:

> "[A] unique crucible for a melding of viewpoints. The Superintendent and the Commandant, newly assigned approximately every three years, represent the guidance of the Secretary of the Army, the Army Chief of Staff, and a current senior officer view of the Army. The strong influence they have on the board is directly proportional to their experience, prestige, rank, and merited respect. The Department Heads, for their part, are able to maintain a current view of the young Army through their junior officer faculty members and are also influenced by their own and the younger officers' contacts with civilian academic institutions . . . . The resulting consensus reached by the Board, reflecting the operation of a classic check and balance system, is therefore based on a variety of experiences and backgrounds, and changes have traditionally been moderate, gradual, and evolutionary, governed by commitment to the mission of the Military Academy . . . ."

A contrasting view was provided the Commission. The Academic Board was frequently criticized as unduly resistant to change and nonrepresentative of the viewpoints of the "young Army." Some Academic Board members acknowledged a lack of communication between the Board and members of the junior faculty.

The Director of the Office of Military Leadership and the Professor of Physical Education have not served as full members of the Academic Board. As structured, therefore, the Board may exclude these individuals from discussions of scheduling and curriculum. The Director of the Office of Military Leadership is the head of the department responsible for all academic courses in leadership (behaviorial science). The Professor of Physical Education heads a program that significantly impacts upon the cadets' daily schedule.

c. The Faculty

The academic faculty is composed of 540 officers, 3 foreign officers, and 9 civilians. Of the 540 officers, there are 21 permanent full professors, positions created by statute. 10 U.S.C. sec. 4331. There are 41 permanent associate professors, a position authorized by the Department of the Army. With the advent of associate professor rank, 11.6 percent of the faculty can now be considered tenured. Ninety-nine percent of the members of the faculty hold graduate degrees; 15 percent of the degrees are at the doctorate level. Sixty-three percent of all faculty members are West Point graduates. Approximately 80 percent of the permanent faculty members are Academy graduates. Three of the 21 permanent full professors are non-Academy graduates; none of the 3 is on the Academic Board. At present, 33 faculty members (6.1 percent) are Reserve Army officers. Of the 9 civilians, there are 2 visiting professors, 1 foreign service officer, and 6 foreign-born linguists. There are also 10 officers from other Service academies.

Permanent full professors are usually selected from among the officers of the Regular Army who have completed a teaching tour at the Academy and have at least 15 years of military service. If the selected officer does not have the necessary academic credentials, he obtains a doctorate degree. A permanent professor is allowed to remain on active duty until age 64, about 10 years beyond his normal retirement age. It is argued that this job security is necessary to persuade an Army officer to accept a professorship and thus surrender a chance to become a general officer. Permanent associate professors, however, make a similar career decision without any promise of an extended active duty life; their motivation for accepting a teaching appointment is other than a desire to add 10 years to a military career.

While the Secretary of the Army, by law, may require the retirement of a permanent professor after 30 years of commissioned service, no one can recall an instance in which this has happened. The result is that a permanent professor may remain, and on occasion does remain, on active duty for over 40 years (8 years longer than the average for brigadier generals). In some cases this extended service has been beneficial to the Academy; in other cases, it has prevented the development of new leadership and the retirement of those who, according to some faculty members, have "stacked arms."

The teaching faculty is comprised almost entirely of junior Regular Army officers (captains and majors); most are Academy graduates. They are selected by the Academic Departments and sent to graduate school for training in their chosen disciplines. In selecting candidates, the Academy looks for officers with 5 to 14 years of service, from the top quarter of their branches, and having a variety of Army assignments. Additionally, the Academy seeks officers with high standards of military bearing, personal appearance, and physical conditioning.

Upon completion of graduate training, the young officer returns to the Academy for a 3-year tour. The Commission has been impressed by the intelligence, knowledge, and devotion to teaching of these officers, some of whom have expressed interest in remaining beyond the 3-year tour. A flexible assignment policy which would allow selected officers to extend teaching tours for 1 or 2 additional years would seem to be in the best interest of the Academy.

There are currently 2 civilian visiting professors--one each in the History and English departments; a third will be added in Mathematics next year. The visiting professor program is considered by Academy officials to be an overwhelming success. The Academy, without departing from the tradition of the officer-teacher, would benefit from an expansion of its visiting professor program. Additionally, Academy permanent professors and associate professors would benefit from visiting teaching appointments at civilian institutions.

3. The Tactical Department

a. Commandant of Cadets

The Commandant of Cadets, as the "immediate commander of the Corps of Cadets" is responsible for the "instruction of the Corps in tactics." 10 U.S.C. sec. 4334 (c). The Commandant, in recent years, has been a brigadier general. Service as Commandant is viewed as a step toward higher responsibility. The Commandant's tour is short--usually 2 to 3 years. He is also in charge of the Tactical Department which includes all of the company tactical officers, the physical training program, the Leadership Evaluation System, and the Office of Military Leadership. The responsibility for supervision of the Honor System also rests with the Commandant.

b. Tactical Officers

There is a tactical officer (Tac) assigned to each of the 36 cadet companies to be, by law, the company commander. 10 U.S.C. sec. 4349 (a). Of the 36 Tacs now at the Academy, 22 are graduates of the Military Academy. There are 15 majors, 20 captains, and 1 lieutenant (Navy) in the group. Seven Tacs have completed the Command and General Staff College or its equivalent. In recent years, the Academy's practice has been to delegate much of the authority for supervising cadet companies to the cadet chain of command and to emphasize the Tac's position as "counselor" and "role model." In 1966, the Commandant's Policy File advised the tactical officer of his relationship with the cadet chain of command: "The balance, a difficult one to calculate and maintain, should be in favor of the cadet command functions." Currently, tactical officers are advised (1972 Company Tactical Officers Manual) that:

> "The Tactical Officer is the commanding officer of the cadets in his company, and is responsible for the performance of individual cadets and the company as a unit. This responsibility will, to a degree consistent with good order and discipline, be discharged through the cadet chain of command."

The 1966 Bonesteel Report raised some questions about the value of this "leadership experience" for cadets:

> "The policy of assigning the First Class administrative responsibilities is clearly designed to provide experience in leadership, but we have some reservations about the system in practice. There appeared to us that there has been a significant increase in the number of cadet meetings and staff conferences and perhaps a feeling that this is in itself a way to exercise leadership and command responsibilities. In fact, to the extent this situation be true, it seems to indicate more attention to management than to leadership and could develop dangerous aspects of 'make work' rather than sound training in company administration. It is clear that the cadets sincerely appreciate the responsibilities

> reposed in the First Class for the conduct of affairs within the Corps. This is good and any imposition of drastic change would be counterproductive. We are not suggesting substantive change but instead an even more careful inculcation in the young men of the subtleties of true leadership and command and the equally careful weeding out of unimportant administrative burdens. The question we have concerns the value of the alleged leadership benefits relative to loss of study time. Another consequence of the policy appears to be that the cadet company officers are oriented more in the direction of the Tactical Officers than toward their own contemporaries. It is not obvious to us that this dipole effect necessarily contributes to the future fellowship and effectiveness of graduates."

Many tactical officers express unhappiness over the amount of paper work and also confusion about their leadership role. One tactical officer said:

> "As a result of [my] experience as a tactical officer, it is my finding that as an institution, we are not certain about our goals, that we have not specified what we want our graduates to be, that we do not have a unified philosophy of leadership, that we exhibit contradictory attitudes on how to teach and develop cadets . . . ."

The Commission recommends that the role of tactical officer as company commander be reaffirmed. Tactical officers are integral to the education and training of cadets. They help maintain a supportive environment for academic study, reinforce the Honor Code, maintain institutional standards, enforce military discipline, and evaluate the potential of cadets for future effectiveness as Army officers. Because these duties are demanding and crucial to the mission of the Academy, tactical officers should be mature field grade officers who have completed advanced Army schooling, preferably Command and General Staff College or its equivalent.

When new tactical officers report for duty they receive a 2-day orientation which serves as a brief introduction to the institution. This orientation does not, according to Tacs, adequately address the complexities of the Honor System, the Fourth Class System, the Leadership Evaluation System, the Disciplinary System, and the relationship of the Tactical Department to the Academic Department. A more comprehensive training program for new tactical officers, including workshops on leadership policies and practices to be used in commanding a cadet company, according to many Tacs, would help them to cope with the inherent conflict of operating both as a cadet counselor and as unit disciplinarian.

c. Leadership Evaluation System

The Leadership Evaluation System requires cadets to rank others in their company as to leadership skills and potential. The rankings form a part of the cadet leadership grade which in turn affects selection for chain of command positions and overall class standing. Some cadets perceive the LES as a way of pressuring them to conform to peer norms--norms which may not reflect the stated official values of the Academy. Some officers acknowledge instances in which the LES was, in fact, used by cadets improperly to force fellow cadets into line. An officer member of the IRP commented:

> "The Leadership Evaluation System (LES) pervades all aspects of the current problem. Cadet after cadet testified that, aside from the matter of friendship, they would be quite reluctant to stand strongly for the Honor System for fear of being marked low in leadership. The stress here is the necessity to follow norms as guides for behavior, and the following of norms is apparently one of the central causes of the current problems now existing within the Honor System. It became obvious to all panel members that neither the USMA, the USCC, the cadet, nor the cadet regiments has single norms for behavior. The element which establishes criteria for acceptable behavior

> is the company. This was borne out by testimony and the wide variations in numbers of cadets referred to boards when a company-by-company count is considered."

The Commandant of Cadets, in an August 26, 1976 meeting with cadets, acknowledged these difficulties:

> "[T]he business of fear of being poop sheeted, if you really check at bed check or if you confront somebody who may be violating the Honor Code . . . is an old, old discussion. That doesn't mean that we have all the answers to it because I don't think we do."

Another criticism of the LES was voiced by a tactical officer:

> "The LES . . . rests on the assumption that cadets understand leadership concepts and criteria and they know how to evaluate each other's leadership ability. It rests on the assumption that the particular company has functional informal norms on leadership. It also rests on the assumption that peer leadership ratings are not 'peer popularity ratings.' I do not believe that we can assume any of these things. It is my finding that we have not taught cadets an adequate philosophy of leadership concepts, that some companies do have dysfunctional informal norms on leadership, and that we have not taught cadets how to evaluate other people's leadership ability. I have also found that most cadets view LES as a popularity contest. Therefore, quantified LES results rest on questionable assumptions. The problems of LES will be solved only when we develop an overall leadership philosophy for the institution, and determine how to effectively teach cadets a philosophy of leadership." (Emphasis in original)

The Commission recommends a review of the Leadership Evaluation System to determine whether it is a constructive force in the cadet's leadership development.

d. Office of Military Leadership

This Office of Military Leadership is responsible for academic instruction in leadership and behaviorial sciences. It is properly an Academic Department. We concur in the recommendation of the 1972 Kappel

Report that "academic instruction in . . . the behaviorial sciences [should be] transferred to the academic area." The Office of Military Leadership should be under the administrative control of the Dean of the Academic Board. As any other Academic Department, it should be available to assist the Commandant of Cadets.

D. External Review

Most civilian institutions of higher education have Boards of Trustees to provide continuity, experience, and advice. The Academy does not have the support of a permanent and independent advisory board.

In establishing the Board of Visitors, Congress recognized the need for external overseers to "inquire into the morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic method, and other matters relating to the Academy . . . ." 10 U.S.C. sec. 4355. Composed of Congressmen and Presidential appointees, the Board meets annually for a few days of briefings; its required report to the President is prepared, in large part, by Acadamy officers. The Board of Visitors lacks both time and staff to provide effective continuing external review.

Various isolated reviews, such as the work of this Commission, do not compensate for the absence of a permanent group having the characteristics and responsibilities of a university board of trustees. We recommend that a permanent, independent advisory board be established to provide continuing assistance. Such a board should be established by the Secretary of the Army and should (1) be nonpolitical; (2) include members who recognize the proper mission of the Academy; (3) convene often enough to insure current knowledge of the institution; and (4) report to the

Secretary of the Army its observations and recommendations.

E. Cadet Schedule

The cadet faces an increasingly demanding academic curriculum as well as increased pressure from the Tactical Department. This problem was noted in the 1966 Bonesteel Report:

> "[W]e doubt that the overall load is insupportable, though from our observations there seems to be a growing problem of overscheduling or overdistraction which appears to arise from the complex of activities, including those of the Corps athletic squads, the seven groups of extracurricular activities, and the extensive responsibility of the First Class for the administration of cadet life . . . . In some way the cadet's time needs to be protected or organized so that there are adequate, solid blocks for studies, and time for athletics, for other noncurricular activities, and for genuinely free time.
>
> "The competition for the cadet's time outside of the section room arises from the purest of motives--honest enthusiasm for a given activity whether it be in one of the clubs in the academic group, a sport, the glee club, a hobby, military indoctrination, or in publications. Both the Academic and the Tactical Departments appear to enter the competition with zest."

The Bonesteel Report went on to express "reservations" about the loss of study time resulting from increased cadet leadership responsibilities. The report concluded with a cautionary note:

> "One of the most obvious aims of any organized training effort, whether in civilian or military fields, is to induce intellectual curiosity and the continuing inclination to learn on one's own. This aim is not easy to realize and its achievement is made much more difficult if inadequate provision is made for the possibility of an individual's development on his own time during his formative undergraduate years."

In 1972, the Kappel Report recommended:

> "That continuous and aggressive action be taken to

> eliminate cadet duties which do not contribute directly to the development of the Academy objectives.
>
> . . . .
>
> That the Academy authorities renew their efforts to reduce the scheduling of the cadet's time.
>
> . . . .
>
> That consideration be given to establishing priorities to govern the demands on cadet time."

In partial response to these recommendations, the Academic Board reduced by 10 percent the class time of all core courses. With the introduction of the proposed new curriculum reducing the number of courses from 6 to 5 a semester, the Academic Board would rescind the 10 percent class drop plan. Under the new curriculum (with the class drop), a cadet would have 204 class hours a semester. Without the class drop the number increases to 228, only 12 hours a semester less than the present schedule.

In 1976, 10 years after the Bonesteel Report and 4 years after the Kappel Report, cadets are still overscheduled:

--A cadet time survey showed that 75 percent of the cadets do not believe that they have adequate time for academics. Sixty-eight percent do not believe that they have adequate time for all demands.

--An officer member of the IRP concluded:

> "Cadets did not testify in general that they were overloaded academically but that there was an overload due to multiple requirements falling due in the same time-frame and the impact of military duties and athletic participation."

--A cadet described his day to the Commission:

> "Everything at West Point competes with the individual cadet's time. There exists a heavy

> academic load which requires both class preparation and class attendance. Academics take up the majority of the cadets' 24-hour day. Military training incorporates mandatory formation, drills, parades as well as personal and room inspection. Athletics consist of mandatory intramurals, physical education class and the Academy's physical education testing. All of these combined with the basic necessities, (like eating, sleeping, etc.) result in the cadet having to allot his time to accomplish as much as possible in the limited 24-hour day."

In addition, cadets believe that no one at the Academy genuinely understands their chronic frustration with overscheduled days. Numerous cadets told the Commission about futile attempts to get a hearing for a constructive idea or a personal concern. While Academy officials often talk with cadets in large groups, these meetings tend to become briefings or question and answer sessions rather than discussions with a satisfying exchange of views.

PART THREE

CONCLUDING STATEMENT

The Commission has not attempted to study all areas of Academy life. Specifically, we have not examined the Academy's recruitment and admissions program. During our study, questions, which we believe warrant consideration, were raised concerning the effectiveness of present admission criteria in predicting career success and the effect of the five-year active duty requirement on the quality of applicants.

The Commission has considered its primary responsibility to formulate recommendations concerning the Honor Code, the Honor System, and the institutional deficiencies discussed in Parts I and II. We recognize that many of our recommendations are not unique; they are the same as or similar to those made in the past. Most of the studies upon which we have relied were prepared by Academy personnel, including the Academy's Office of Institutional Research. However, these past studies and recommendations have often gone unheeded. We trust that the Academy need not endure another crisis, such as the one in EE 304, before vitally needed changes are made

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WASHINGTON

REPORT OF INVESTIGATION OF ALLEGATIONS THAT ARMY PERSONNEL HAVE HARASSED AND INTIMIDATED DEFENSE COUNSEL IN THE EE 304 CASES AT WEST POINT

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29 October 1976

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29 October 1976

MEMORANDUM FOR THE SECRETARY OF THE ARMY

SUBJECT: Report of Investigation of Allegations that Army Personnel Have Harassed and Intimidated Defense Counsel in the EE 304 Cases at West Point

At your direction, the undersigned have investigated the subject allegations, which were made by defense counsel representing United States Military Academy cadets of the Class of 1977 accused of cheating on a take home examination in Electrical Engineering course 304 in March 1976. Specifically, the allegations were made by Captains Arthur F. Lincoln, Jr., Daniel H. Sharphorn, and Burk E. Bishop, all officers of The Judge Advocate General's Corps (JAGC) assigned to the Department of Law, USMA, in testimony during Congressional hearings and in letters to the Secretary of the Army. Michael T. Rose, a 1969 graduate of the U.S. Air Force Academy and a civilian attorney retained by about 100 accused cadets, supports the allegations of the captains. Mr. Rose published a book on the honor systems of the Academies in 1973.

The undersigned interviewed the three captains at length on 20 September 1976, questioned witnesses and examined records at West Point and the Pentagon thereafter, and completed their investigation on 22 October 1976.

The allegations of the Captains, and our findings with respect thereto, are as follows:

A. Captain Arthur F. Lincoln, Jr.

Captain Lincoln was assigned to the staff and faculty at West Point on 30 May 1973. He has served as an instructor, assistant professor of law, prosecutor, and defense counsel.

Before the EE 304 episode began in March 1976, Captain Lincoln was detailed to defend Cadet Steven R. Verr, Class of 1979, accused of violating the Honor Code by lying. The case attracted press attention. For reasons not here pertinent, Lincoln was interviewed by reporters and received local and national publicity.

Subsequently, Captain Lincoln, as well as Captains Sharphorn and Bishop, and several other JAGC officers in the

Department of Law, were assigned as defense counsel in the EE 304 cases. He soon became a strong and vocal advocate for changes in the Honor Code and System, stressing in particular the desirability of modifying the single sanction of expulsion for any Honor Code violation to permit imposition of lesser penalties commensurate with the gravity of the violation.

Along with some other defense counsel, Captain Lincoln became convinced that several hundred members of the Class of 1977 had cheated on the EE 304 examination, far more than the 101 who were initially under suspicion, and that Honor Code violations of all kinds were prevalent throughout the Corps of Cadets. At first privately, and then publicly, he argued that the Honor Code system had broken down, citing alleged failure of the Academy to instruct cadets adequately about the Honor Code and System, and contended that it was unfair and inequitable for his clients to face expulsion for cheating when hundreds of other cadets were violating their honor and going unpunished.

On 3 May 1976 he joined nine other defense counsel in signing a letter to the Secretary of the Army, through the Staff Judge

Advocate of the Academy, the Superintendent of the Academy, and the Chief of Staff of the Army, asserting that cheating was widespread at West Point, and that they had cadet affidavits to that effect. The letter urged the use of grants of immunity to obtain evidence implicating other cheaters as yet unidentified, criticized the Academy's investigation of the EE 304 episode, and asked for the convening of an "impartial board of inquiry" to investigate the administration of the Honor Code, in general, and the EE 304 episode in particular. Subsequently, he voiced these views to members of the media on several occasions.

On 2 August 1976 he joined 29 other defense counsel in signing a letter to the Secretary of Defense similar to the 3 May 1976 letter, again calling for appointment of an impartial board of inquiry to investigate the Honor Code situation. On 4 August 1976 he appeared at an unofficial "public forum" in Washington staged by Representative Thomas J. Downey and attended by other members of the Congress, at which aspects of the EE 304 problem and the handling of it by USMA authorities were criticized by various Congressmen, defense counsel and cadets. Lincoln was one of four defense counsel who were witnesses and his testimony included statements that he and other defense counsel had been subjected to harassment, intimidation and pressure from their superiors because of their activities on behalf of their clients.

On 1 September 1976 Captain Lincoln testified at a hearing of the Subcommittee on Military Personnel of the House Armed Services Committee, chaired by Representative Lucien N. Nedzi. He expressed the views mentioned above, saying that cadets who had cheated on the EE 304 examination should receive some punishment short of separation and that they were victims of the Academy's institutional failings.

Captain Lincoln has presented a series of complaints of harassment and intimidation to the undersigned and to members of the Congress. Some of these were personal to him; the balance concern other named military attorneys or are general in nature and said to affect all defense counsel in the EE 304 cases. Each complaint will be considered.

(1) Investigation of Alleged Unethical Conduct by Captain Lincoln in the Verr Case.

Background

In the course of preparing his defense of Verr before a board of officers during the latter part of 1975, Captain Lincoln came into possession of information indicating that Cadet William E. Anderson, then Chairman of the Honor Committee, himself may have violated the Honor Code by helping suppress charges of cheating on an examination leveled at two other cadets (Alexander and Caldwell) by an instructor. Anderson was to be a prime prosecution witness at an upcoming board of officers hearing and Lincoln set out to investigate the alleged suppression of charges by Anderson with the objective of developing evidence which would impeach Anderson's credibility as a witness.

In the course of his inquiries, Lincoln had Cadet Kenneth R. Fugett, Class of 1976, come to his office. Fugett was supposed to have heard Cadet Alexander admit to the cheating and also to have known of Anderson's alleged "cover-up" activities. According to Lincoln, he told Fugett that Cadet Alexander had made some admissions against interest to him. Fugett then asked how he could prove it, pointing out that it would be his (Lincoln's) word against Alexander's. At this point, Lincoln said that he simply tapped his fingers on top of a cassette tape recorder sitting on top of his desk and said nothing.

Fugett took this to mean that Lincoln had tape recorded an admission by Alexander that he had cheated. When he later learned that this had not happened, Fugett wrote a letter to Colonel Harold Rhyne, then a Deputy Commandant, stating that Lincoln had told him that Alexander had admitted the cheating to him, that he had recorded the admission on tape, and that Lincoln had "patted" the top of his tape recorder as he told this to Fugett. Fugett complained that Lincoln's actions were not ethical, as a lawyer or an officer.

Colonel Rhyne referred Fugett's complaint to the SJA, LTC Daniel Shimek, to investigate and determine whether Captain

Lincoln's conduct was that to be expected of an Army officer. As a result, the SJA on 26 February 1976 ordered one of his officers, LTC Charlie C. Watkins, JAGC, to conduct a formal investigation.

The investigation was conducted during the period 9-17 March 1976. LTC Watkins talked to the persons whom Captain Lincoln had interviewed in his effort to obtain evidence to impeach Anderson's testimony. He found no basis for a charge of unethical conduct other than Lincoln's tapping of the tape recorder and his accompanying silence which, under the circumstances, imported to Fugett that Lincoln had damaging admissions of Alexander on tape. (The significance of this to Fugett was that if the Academy authorities believed he had heard the admissions, then, since he had made no report of the incident, he could be charged with toleration in violation of the Honor Code.) All witnesses other than Fugett and Anderson stated that they thought Captain Lincoln had conducted himself in a proper and professional manner.

In his report, LTC Watkins found that Captain Lincoln "neither exceeded the proper scope of his assigned duties nor transcended established professional standards for an Army officer and an attorney."

BG Walter F. Ulmer, Jr., the Commandant, reviewed LTC Watkins' report and on 30 March 1976 wrote a lengthy memorandum to the Superintendent criticizing the report severely, stating, inter alia, that it lacked objectivity, was "heavily oriented" toward an attempt to compromise Cadet Anderson, did not explore fully the basic allegation as to Lincoln's treatment of Fugett, contained misleading and inaccurate summaries of testimony, and focused on matters only indirectly relevant to the purpose of the hearing. (Indeed, the greater part of LTC Watkins' report concerns the Alexander-Caldwell case, and he made "collateral findings" concerning it which are considerably lengthier than those concerning Lincoln's professional conduct.) LTG Sidney B. Berry, the Superintendent, closed the case with a memorandum of record dated 31 March 1976 which was also critical of the investigation, stating in part that it was "conducted as an investigation of matters concerning Cadets Caldwell, Alexander, and Anderson and the Cadet Honor Committee and in doing so dredges up matters that have been dealt with and previously laid to rest."*

Also on 31 March 1976, according to Captain Lincoln, he was called in by the Superintendent to discuss the Verr case and was told by LTG Berry that LTC Watkins had been too lenient with him.

Captain Lincoln confirmed in a conversation with the undersigned that he had, indeed, tapped the tape recorder in Fugett's presence, but he denied having said that he had taped an admission by Alexander. He apparently felt that the tapping of the recorder was a legitimate tactic to be employed in questioning a reluctant witness.

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* It is of interest here that complaints continued to be voiced concerning an alleged "cover-up" in the Alexander-Caldwell case. An Internal Review Panel in the summer of 1976 heard new evidence and recommended that the case be sent to a board of officers for consideration. Caldwell graduated in June and is presently on duty in the active Army. Before a board of officers was convened to hear the charge against him, Cadet Alexander resigned.

Your investigators did not attempt to prove or disprove the allegations that Anderson was involved in suppressing the charges against Alexander and Caldwell. We were told, however that Anderson was widely respected as a mature young man of integrity and great promise, and that Lincoln's efforts to tie him to an honor violation and impeach his credibility as a witness were widely resented in the West Point Community, especially by some senior officials.

The Verr case had ended earlier on 1 March 1976, when the Superintendent disapproved the finding of a board of officers that Cadet Verr had lied on two occasions, because he was not convinced that Verr harbored the requisite intent to deceive. The decision was unpopular in the Corps and rumors followed that he might be "silenced" by some cadets, a forbidden practice. Anderson was implicated in these rumors; falsely so in the opinion of Academy officials. The foregoing generated press publicity in which Lincoln's name figured, increasing the resentment of some members of the West Point community toward him. This, however, occurred after the investigation by LTC Watkins and is more pertinent to the complaint considered under (2), below.

The Judge Advocate General, upon learning of the investigation of Lincoln which the Academy had directed, issued an Army-wide directive on 1 September 1976 that the prior approval of The Judge Advocate General must be obtained before any command could investigate the alleged unethical conduct of a member of the JAG Corps.

DISCUSSION

Lincoln's tapping of the tape recorder, accompanied by a presumably pregnant silence, was a somewhat dubious practice from an ethical standpoint, especially if intended to accomplish an outright deception. It may fairly be characterized as a sharp tactic which probably would not be employed by an attorney who adheres rigidly to his profession's canons of ethics.

On the other hand, it is a common practice for investigators (legal or otherwise) to give the appearance of knowing more about an incident they are investigating than they actually do, as a means of inducing witnesses to discuss the matter. An investigator sometimes will consult a carefully shielded notebook from time to time as if it were a compendium of vital information, in order to enhance his credibility. The use of such props is considered by investigators to be a "part of the game" and is seldom questioned on ethical grounds.

In any event, conceding that Captain Lincoln is subject to criticism for his tactics in questioning Fugett, the ordering of a formal investigation of his conduct was so patently an overreaction that it is only logical for him to believe that he was being harassed by the Command for his activity as defense counsel, especially for his pursuit of allegations that the popular and well-regarded Cadet Anderson was himself an Honor Code violator. Such an investigation without Department of the Army approval is almost unprecedented, as it is widely accepted by commanders that the investigation of an allegation of unethical conduct by a JAG officer is a matter peculiarly within the responsibility and competence of The Judge Advocate General and should not be undertaken without his approval.

FINDING

In the opinion of the undersigned, the tapping of the recorder incident justified no more than an administrative admonition by one of the senior JAG officers in the Department of Law, designed to instruct the officer concerned and provide guidance for his future conduct. It follows that, in our opinion, the formal investigation was unnecessary and under the circumstances constituted an unwarranted harassment of Captain Lincoln for his activities as the defense counsel of Cadet Verr.

(2). Request for Extension of Tour Denied.

BACKGROUND

On 29 October 1975 Captain Lincoln requested that his three-year tour of duty at West Point, which was to end on 1 June 1976, be extended for one year. He was told by Major Michael B. Kennett, then assigned to the Policy, Plans and Training Office, OTJAG, that his request probably would be approved, but that no commitment at that early date could be made, as he might be needed as a deputy staff judge advocate elsewhere. This was confirmed by letter in November.

On 6 May 1976, less than a month before his tour was to end, Lincoln received a call from Major Kennett advising him that he was going to be reassigned and offering him a choice of going to Fort Rucker or Fort Lewis. Lincoln believes that his request for extension was denied primarily because of his activities as a defense counsel.

The following facts and circumstances are pertinent to this issue:

- Captain Lincoln's activities as defense counsel for Cadet Verr, including his efforts to obtain evidence which would impeach Cadet Anderson as a witness, caused him to be investigated for alleged unethical conduct, were criticized by the Commandant and the Superintendent, and were resented by some other Academy officials and some members of the West Point community.

- Newspaper articles concerning the Verr case and the honor system at West Point which appeared in April 1976 quoted purported remarks of Captain Lincoln critical of the honor system and certain practices of the Honor Committee (e.g., that it does not follow its own "rules and regulations;" that the Honor Code "is frequently pursued without due process").

- In talking to the press, Lincoln named and discussed the case of a former cadet of prominence in the Corps who had been charged with an honor violation, but allowed to graduate, although not commissioned, the charges being dropped. The case was cited by Lincoln as an example of uneven administration of the Honor System. It was and is contrary to USMA policy to release to the press names of cadets accused of honor violations. The charges in the cadet's case were dropped when it was determined that the cadet had psychiatric problems which raised doubt as to whether he should be held responsible for the conduct which gave rise to the honor violation charge. Release of the cadet's name by Lincoln was criticized by the USMA Public Affairs Officer and aroused more resentment among Academy officials over Lincoln's defense counsel activities.

- As indicated earlier, Captain Lincoln was assigned to defend cadets charged with cheating on the EE 304 examination and he soon became a strong and vocal critic of the Honor System and the way in which it was administered.

- On 3 May 1976 he joined nine other defense counsel in signing a letter to the Secretary of the Army complaining about Honor System procedures and the treatment of their clients and requesting that the Secretary convene an impartial board of inquiry to investigate the condition of the Honor System at the Academy and related matters, as noted earlier.

- On 6 May 1976 Lincoln received the telephone call from Major Kennett mentioned earlier concerning his reassignment. Lincoln asked what had happened on his request for extension. Kennett responded that he had been instructed to call and offer him an assignment to either Fort Rucker or Fort Lewis, to be effective when Lincoln completed his duties as defense counsel in the EE 304 cases.

- Lincoln asked the SJA who had "requested his transfer." According to Lincoln, Shimek answered that the request might have come from "across the street," referring to the office of the Superintendent. Shimek does not recall this conversation.

- When Lincoln submitted a request in writing to The Judge Advocate General that he be extended at West Point, the paper work was not routed through the Superintendent or the Commandant. As a result, both of these officials were unaware of Lincoln's request at the time it was made, although the Superintendent was aware that neither Lincoln nor any other of the JAG officers detailed as defense counsel in the EE 304 cases would be reassigned by the Department of the Army until their duties as defense counsel had been completed. Nevertheless, the unhappiness of Academy officials with Lincoln's activities as defense counsel was well known at the Pentagon. As a result, it was decided by The Judge Advocate General, who also knew that the Superintendent no longer desired Lincoln's services as an instructor in the Law Department, that Lincoln's tour at West Point would be extended only to the extent necessary to permit him to complete his duty as defense counsel, after which he would be subject to a normal end-of-tour reassignment.

- On 10 May 1976 the Pentagon received a number of inquiries from the press concerning Lincoln's possible transfer, several reporters having learned that Lincoln's request for tour extension had been denied. They linked this with his controversial role in the Verr case and his signature on the 3 May 1976 letter, concluded that Lincoln was being reassigned because of his defense activities, and stories to that effect appeared in many newspapers. Typical of these was a story in the New York Times of 11 May 1976 headlined "Captain Critical of Honor Code is Asked to Leave West Point."

- It is not clear how the press learned of the tour extension denial. Lincoln maintains that he has never sought out the press to provide information, but that the press has always come to him.

- As a basis for answering the press queries, TJAG prepared a statement on 12 May 1976 which said in essence that "no punitive intent" was involved in the decision to reassign Captain Lincoln, that he was needed at Fort Rucker or Fort Lewis because of projected shortages of JAG officers, and that the timing the transfer was never fixed because it was never intended move Lincoln until his defense counsel activities were con- uded. The JAG version of the matter received relatively tle press attention. A memorandum to the Army Chief of ormation on the same subject, dated 11 May 1976 and signed the Acting TJAG (BG Bruce T. Coggins), was more informative one particular. It stated that:

> The primary reason for the proposed reassignment was based on CPT Lincoln's publicly expressed attitude towards the Military Academy's administration and methods. It was determined that, under these circumstances, it would be difficult for him to be an objective instructor.

Lincoln's activities as a defense counsel subsequent enial of his request for extension, in particular his testimony tical of Academy officials and the Honor System before Repre- ative Downey's "public forum" and the Nedzi Subcommittee parently deepened the displeasure of Academy officials with n. However, the Academy did not act to restrict his duties in any way. The general attitude of the Academy Staff and Faculty and the West Point community toward Lincoln and the other EE 304 defense counsel is discussed hereinafter.

DISCUSSION

It is significant, in considering this particular allegation of harassment, that curtailment of a normal tour of duty was not involved. Rather, the situation involved the possible extension of a tour beyond its normal period.

In Lincoln's case an extension of his tour for one year was denied, but a conditional extension was granted co-extensive with the uncertain duration of his defense counsel duties, and with the caveat that if they continued into the school year (as they did) his request for a one-year extension would be reconsidered. Did this constitute harassment of Lincoln? The answer must lie in the reasoning behind the decision.

Lincoln, of course, believes that his outspoken defense of his clients offended Academy officials and that the extension was denied for that reason. Had he been transferred out before his tour was completed or immediately thereafter, leaving his work as defense counsel unfinished and to be completed by another attorney, at least a prima facie of harassment would have arisen. But this did not happen. There was never any question but that his tour would be extended long enough to permit him to complete his defense counsel duties.

Thus, since there is no basis for believing that the extension was denied to get Lincoln "off the case," the question remains whether it was denied as a personal reprisal because of Lincoln's outspoken criticism of the Honor System and of certain actions of Academy officials in honor matters, and his frequent statements to the press on those subjects.

In that regard, it is plain that Lincoln has made himself persona non grata at West Point. With reference to initial assignments of JAG officers, it is the policy of The Judge Advocate General not to assign to a command an officer known to be so regarded by the command, it being essential that a commander and his staff have confidence in their lawyers. The same policy applies to extensions of tours of duty. This was the basis for the TJAG decision not to give Lincoln an unconditional extension for one year. As indicated by the language from BG Coggins' memorandum quoted above, it was known that Lincoln had become persona non grata to the Command at West Point and that his continued presence after his defense counsel duties ended would be unwelcome.

In this light, did the denial of the requested extension by TJAG constitute the harassment of which Lincoln complains? We do not think so, since the purpose of the denial was not to trouble or torment or impede Lincoln in the discharge of his duties. Rather, the purpose was to avoid forcing the Superintendent to retain on his staff, any longer than the circumstances required, an officer in whom he had no confidence and whose modus operandi he apparently deplored. In our judgment this is a sound personnel management practice.

FINDING

The action of TJAG in denying Captain Lincoln the privilege of serving at West Point for another year was taken pursuant to established policy, does not appear to have been unfair or inequitable, and did not constitute harassment of Captain Lincoln as a defense counsel.

(3). Passed Over for Promotion Because of Defense Counsel Activities.

BACKGROUND

An Army selection board was convened on 18 May 1976 to consider captains for temporary promotion to major. The JAG segment of the board, composed of three JAG officers and two line officers, met and completed its work on 8 and 9 June 1976. The board as a whole adjourned on 23 June 1976 and its recommendations were announced on 6 August 1976. Captain Lincoln was in the primary zone of consideration for promotion but was not selected. The selection rate was 74%.

Captain Lincoln states that he has a good record as an officer - good enough to be selected for promotion; that he has personally examined his personnel file, including his efficiency reports, as it was when considered by the selection board; and that he could find nothing derogatory in it which could have been the basis for his non-selection. Specifically, he found nothing in his file concerning the March investigation of his conduct, although it was conducted during the period covered by his last efficiency report, and he "seriously doubts" that the investigation figured in his non-selection.

Captain Lincoln is convinced that he was passed over because the three JAG officer members had personal knowledge of his controversial activities as a defense counsel at West Point and disapproved of them. One of these officers, he believes, was LTC Ronald Holdaway, Chief of PP&TO, who was familiar with his activities at West Point. He complains of the apparent consideration by the board members of their personal, non-record knowledge of his activities, and cites his non-selection as harassment because of his defense activities.

Captain Lincoln talked to Brigadier General Joseph N. Tenhet, Jr., who was president of the JAG selection board. Lincoln said that he believed it to be unfair and improper for members of a selection board to consider their personal knowledge of an officer when evaluating his qualifications for promotion, arguing that the evaluation should be based solely on the records in his personnel file. BG Tenhet responded that he was precluded by regulations and by his oath as a board member from disclosing what the vote on Lincoln was or why he was not selected, and that, contrary to Lincoln's view, it was proper under established promotion board procedures for a member to take into account his personal knowledge of an officer's qualities when evaluating him for promotion.

The JAG promotion board was in session, it will be noted, after Lincoln had been the subject of extensive media attention concerning his activities in defense of Cadet Verr and his publicly-voiced criticism of the Honor System and Academy officials. BG Tenhet, according to Lincoln, confirmed that his name had been "mentioned around Washington."

There is an established procedure for an officer to appeal his non-selection for promotion and obtain reconsideration by a so-called standby promotion board. An error or some manifest unfairness must be shown by the appellant; for example, that his name was erroneously omitted from the zone of consideration, or that an adverse efficiency report which was considered by the board was subsequently deleted as unfair (by another board under a separate procedure) Lincoln told the undersigned that he is aware of this, but suspects that he could not make a successful appeal because of inability to show an error in his personnel records.

Captain Lincoln's efficiency reports have been examined. His record, in comparison with the records of his contemporaries, may fairly be classed as average. The board was limited to selection of 37 officers from the 50 JAGC captains in the primary zone. Among them were many of top quality, and competition for selection was keen. Lincoln's record probably placed him midway in the group of fifty, in a "grey area" from which, in the discretion of the board, some officers were selected and some not. Among those who were non-selected along with Captain Lincoln were some officers with records generally considered better than his.

Of the three JAG officers on the board, BG Tenhet had observed Captain Lincoln's performance of duty while both were stationed in Vietnam some years before and thus had prior knowledge of his qualities as an officer. The two other JAG members, Col Gerald W. Davis and LTC Patrick A. Tocher, as well as the two non-lawyer members, were not acquainted with Lincoln. As this indicates, LTC Holdaway was not a member of the board as Lincoln believed.

The undersigned found no evidence that anyone not on the selection board attempted to influence the board in its consideration of Lincoln for promotion, or that the board members conducted themselves with other than complete integrity.

DISCUSSION

It is essential to the effective functioning of the Army's officer promotion system that selection board members be accorded wide discretion in judging the qualification of officers for promotion and that they not divulge the basis for their selection or non-selection of a particular officer. Hence, in attempting to determine whether Lincoln's non-selection constituted harassment, your investigators have been limited to an analysis of the attendant circumstances summarized above and to drawing whatever conclusions they may support.

In the first place, Lincoln's paper record was not so outstanding that his non-selection could not be explained except by some circumstance or opinion aliunde the record which influenced the board members. The board members may well have evaluated his qualifications, on the basis of his paper record, so as to place him among the 26% who were not selected; this would not be inconsistent with his efficiency reports.

On the other hand, it is quite possible that, as Lincoln suspects, he was non-selected on the basis of facts or opinion not reflected in his personnel file. This could involve his defense counsel activities or BG Tenhet's prior knowledge of Lincoln's qualifications as an officer. Indeed, the moving cause of the non-selection may have been something of which we have no knowledge at all.

As indicated, Captain Lincoln's claim of harassment by non-selection for promotion rests upon his belief that his record qualified him for promotion and the circumstance that his non-selection occurred soon after the extensive publicity concerning his controversial activities as defense counsel. It does not appear that he has made a prima facie case in support of his claim. His paper record is not so outstanding that his non-selection compels the conclusion that something aliunde that record was the moving cause, and it can only be conjectured that that "something" was Lincoln's defense activities.

FINDING

In our opinion, the facts presented by Captain Lincoln and the information otherwise available do not establish that he was passed over for promotion, and thereby harassed, because of his defense counsel activities.

(4) Defense Counsel have been Harassed by Unfair Criticism, an Unfriendly and Uncooperative Attitude and Command Pressure

BACKGROUND

Captain Lincoln voiced this complaint formally, but Captains Sharphorn and Bishop are in agreement. Mr. Rose and a few other defense counsel have made similar complaints. Several actions and attitudes are said to be involved.

Disapproval of Activities of Military Defense Counsel in General

All the defense counsel interviewed by the undersigned complained that a great many officers in the Army, especially those in command positions, believe variously that defense counsel work against the best interests of the command by placing their duty to their clients above their duty to the Army, that they impede commanders in their efforts to maintain proper discipline, that they "go too far" in their defense of accused in court-martial trials and respondents in administrative proceedings, and that many counsel place undue emphasis on obtaining acquittals by "technicalities." Many defense counsel attribute this general attitude of disapproval or hostility to a lack of understanding of the role of the military defense counsel, the extent of his duty to his client, and the right of a client to be defended even if guilty beyond doubt.

The defense counsel also, almost without exception, complain of indoctrination received from time to time to the effect that they should consider themselves to be Army officers first and lawyers second, and that whenever there is a clash between the interests of the Army and those of their client the Army should "come first." These attitudes were said to be particularly prevalent at West Point.

Our inquiries on this point were inconclusive. No member of the staff and faculty to whom we talked would agree that there is at West Point a general attitude that the activities of military defense counsel are inimical to the best interests of the Academy and that such counsel should place the interests of the Army above those of their clients when a choice must be made. However, in the course of our investigation we learned that the Commandant has expressed views which could be interpreted as supportive of such a general attitude. Specifically, he has stated that, while he believes that a military defense counsel should go to extraordinary lengths in defending a cadet whom he believes to be innocent, he has "ethical problems" with going to such lengths in defense of a cadet whom the counsel knows to be guilty. As to the latter, he believes that it is not in the best interests of the Army and the taxpayer for a military defense counsel, as an officer and member of the staff and faculty, to go to extraordinary lengths to obtain the exoneration of a cadet whom he knows to be guilty. The undesirable result could be the retention of a cadet who is unlikely to become the kind of Army officer the Academy is supposed to produce.

On the other hand, our inquiries disclosed the presence in the community of a quiet minority of uncertain numbers which is in sympathy with all or part of the contentions of the defense counsel and supports their efforts on behalf of their cadet clients.

Resentment at West Point of Specific Acts of Defense Counsel

Many Academy officials and a substantial portion of the West Point community are said to resent the activities of the defense counsel in the EE 304 cases. This alleged resentment is linked to several acts of defense counsel, as follows:

- Assertions of defense counsel that cheating and other honor violations are widespread in the Cadet Corps, that Honor System procedures are unfair, that the System is corrupt and in such shambles that prosecution of violations is selective and exoneration can be arranged on the basis of friendship or bribery, that the Honor Code is too absolute and the single penalty of expulsion for even the slightest violation is unwarrantedly severe, and that institutional failures such as inadequate instruction of cadets in the Honor Code and System contributed to the large scale cheating on the EE 304 examination, were received with shock and disbelief by a very substantial part, probably the majority, of the West Point community. This is traceable to the deep respect for the institution, its mission and its principles held by virtually all West Point residents, a feeling akin to reverence. Any adverse criticism stirs immediate resentment and a protective reaction against the critics. In general, the community is slow to concede institutional faults. Apparently, many do not understand that a defense counsel's duty to his client many require him to espouse positions which are critical of the institution.

- Several witnesses said that Captain Lincoln contributed to the general disapproval of defense counsel by -

(1) his dubious tactics as defense counsel for Cadet Verr in questioning Cadet Fugett, described earlier;

(2) allegedly tricking Cadet Verr's tactical officer, Captain Harris, into an unwanted appearance before a CBS news camera in Captain Lincoln's quarters, by ostensibly inviting Captain Harris over for a drink before dinner;

(3) releasing to the press as honor violators the names of Alexander and Caldwell and the cadet with psychiatric problems, contrary to Academy policy; and

(4) allegedly authorizing the New York Times to print the names of two persons accused of honor violations in the group of affidavits released in September 1976, before any investigation of the accusations and contrary to Academy policy and the wishes of the accused persons. The interest of the Times lay in the fact that the two persons were a recent graduate of the Academy who is the son of Frank Borman, former astronaut, President of Eastern Airlines, and Chairman of the Special Advisory Panel appointed by the Secretary of the Army to inquire into the state of the Honor System at the Academy, and the cadet son of a former superintendent of the Academy, BG Samuel Koster, known widely for his involvement in the My Lai tragedy. Apparently Lincoln

presumed to release the names because he was one of the custodians of the affidavits. His motive possibly was to confirm earlier statements of the defense counsel that the affidavits contained accusations against cadets who were "big names" because in leadership positions or otherwise prominent.

- The widespread publicity given to statements of a few of the defense counsel which were critical of the Honor System, Academy officials, and alleged institutional failures also has been widely resented. There is a strong feeling at the Academy that the defense counsel should have voiced their criticisms and sought relief for their clients within military channels, and that it was improper for them, both as officers and attorneys, to "take their case to the public" as they did, through statements to the print and electronic media, and testimony before the Congress. Virtually all such public statements were made by Captains Lincoln and Sharphorn. Single statements are attributed to four or five other defense counsel, but the great majority of the counsel made no public statements. Public utterances of Mr. Rose generally tracked those of Captains Lincoln and Sharphorn Following are extracts from newspaper articles and Congressional transcripts of testimony quoting or referring to statements of the two captains and others critical of the Honor system and related matters.

o Lincoln to press, 17 May 1976:

Lincoln claims he has a list of 400 upperclassmen accused of honor violations. Quoted as saying "The 49 juniors are token lambs led to the slaughter."

o "lawyers" to press, 19 May 1976:

"The lawyers said that cheating at the academy is a frequent occurrence, and that stealing had become so commonplace that the cadet store had begun prohibiting the wearing of raincoats inside in an attempt to curtail shoplifting."

o Sharphorn to press, 19 May 1976:

Talks about "hypocrisy" of system - cheating commonplace - some cadets "singled out" for charges in effort to limit derogatory publicity - West Point "paying lip service." to an ideal.

o Lincoln to press, 20 May 1976

Secretary was "hypocritical" in his 19 May 1976 reply to the defense counsel's 3 May letter, when he told them to make their proposals for changes in the Honor System and the convening of a board of inquiry to the Honor Committee

o Rebuttal in Heinl syndicated column to shoplifting story, 28 June 1976: cadet shoplifting story a bum rap - no record of cadet shoplifting in past 3 years - raincoats banned in cadet store because of water damage on rainy days, not because of shoplifting (BG Ulmer states that since 1 January 1975 one cadet separated for stealing a pen from the cadet store).

o Lincoln to press, 25 July 1976:
". . . the Academy is trying to railroad them out of here" through selective prosectuion - "the Academy, in attempting to complete prosecutions by the end of August, has been trying to speed things up by getting cadets to incriminate themselves, for example, or by restricting lawyers from the initial review panels."

o Lincoln to Downey "public forum," 5 August 1976
"Capt. Arthur Lincoln, another lawyer and a West Point graduate, said the Academy used the honor code, which

states that 'a cadet will not lie, cheat or steal, nor tolerate those who do,' as a disciplinary measure and an academic shortcut."

o Sharphorn to Nedzi Sub-Committee, 1 September 1976: "To resist change and avoid admissions of imperfection, the Academy and the Army are now subverting justice. The Secretary of the Army has investigated and finally intervened, one hundred and fifteen very costly days after the defense attorneys asked him to do so. It is clear that the United States Military Academy knows that the scope of Honor Code violations at West Point goes well beyond the cadets currently pending separation. Still change must be resisted, admissions of imperfection avoided, and under the Hoffmann proposal justice is being subverted to further those obsessions. The Academy, the Army, has elected to separate and stigmatize a representative portion of the cadets who have violated the Cadet Honor Code when it knows that hundreds of other Honor Code violators remain within the Corps of Cadets."
(p. 276, Nedzi transcript)

o Lincoln to Nedzi Subcommittee, 1 September 1976 (referring to "Secretary Hoffmann and his staff") ". . . they are willing to sacrifice cadets to maintain the fiction that the Honor System works."

o Lincoln to press, 15 September 1976: "The System here is unfair. It shows favoritism. It's arbitrary and capricious and it's biased. It should teach cadets to be better officers and instead it teaches them fear. I'm not at war with the code as it's written down. I can live with the code, non-toleration clause and all. Or I can ask myself why we need one in the first place. What concerns me is that it isn't followed consistently. If it were, it wouldn't bother me if everyone in the junior class got thrown out."

Statements of Superintendent and Commandant

Specific complaints were lodged concerning certain statements made in public by the Superintendent and the Commandant.

After the conclusion of the Verr case on 1 March 1976, the Commandant reportedly told a staff conference that "The goddam lawyers are ruining the Army," or words to that effect. According to several defense counsel, he makes similar statements frequently, a common theme being that military lawyers spend all their time trying to get guilty cadets "off" on "technicalities."

- On the evening of 27 August 1976 the Commandant held a meeting with a large number of cadets implicated in the EE 304 episode to explain how they could take advantage of the plan announced by Secretary Hoffmann on 23 August 1976 under which cadets who had cheated on the EE 304 examination, and certain other honor violators, might be permitted after separation from the Academy to be readmitted and complete their training. Following are excerpts from BG Ulmer's remarks:

> I want you to be sure when you do make up your mind that you're not necessarily tied on to someone else's bandwagon, that you're not doing something which is not in your or the Academy's best interest - - -
>
> Now, for those of you who believe that there is just around the corner total amnesty and if you just stay here a bit longer, and explain a bit more, and involve somebody else, that this is going to come about, I want you to know for whatever it's worth that I believe you're going down the wrong path - - -
>
> I want to tell you that the program that we outlined is a serious one, that your options under this program are exactly as I portrayed them to you, that whether you come back or don't come back does not greatly affect the Military Academy - - -

> Now, the newspaper business and the congressional business is about to come to a head, and I want you to do whatever you want to do with a very full understanding of all the consequences. If any of you believe that the Military Academy is impotent or that the military authorities have no recourse to irresponsible action, then you are not fully aware of the circumstances. Now, you have full freedom to act as a responsible individual who is still a member of the Armed Forces. You have full freedom to contact your congressman, and under most circumstances to make public announcements - - -
>
> You do not have to put your future in the hands of anybody whose interests are not your interests. And you're all grown up enough and old enough to think this thing through for yourself. I don't need to do your thinking for you and neither does anybody else -- that includes anybody. Now, take counsel with those people in whom you have confidence and listen to what they say; and if it makes sense to you and your family and your future, then follow it. If it doesn't, don't necessarily go downstream with the herd because they're moving in a particular direction that may or may not serve your interests best.

Captains Lincoln, Sharphorn and other defense counsel, including Michael Rose, complained of these remarks as an attempt to undermine the confidence of accused cadets in their attorneys and therefore improper. The reference by BG Ulmer to possible amnesty for cadet violators concerned a proposal made by the defense counsel to the Superintendent and the Secretary on the grounds that no action be taken on the cheating because perhaps 600 members of the Class of 1977 had cheated on the examination, so many that it was impractical to impose any punishment at all.

- On the following day, 28 August 1976, the Superintendent addressed substantially the same audience. He spoke of a telephone call received from a cadet father who said that his son had been advised that the Army and the Academy were "not speaking in good faith," that the cadets had "great chances eventually of getting total forgiveness or amnesty," and that they were going to "stick together and fight it out." He had also received a call from a cadet's mother, who said that her son's name was all over the papers and on television and that he had been branded an honor violator and publicly disgraced. As to the last, the Superintendent said that the Academy had not put the cadet's name before the public, and that it was "either the making of his advisors or himself." With reference to the theme of the father's call, the Superintendent said to the assembled cadets:

> I'll tell you that if you have any advisors that are telling you that the Secretary or the Superintendent or the Army or the Military Academy are lying or misleading on anything, I'll tell you that they're dead wrong, particularly on something as important as this, but I'm saying on anything. [sic] And I want to reinforce the theme that the Commandant struck last night. That you and you and you and each one of you - there, are individual cases; don't let anyone use you and cast you aside. And I fear that this is what may be happening--perhaps not intentionally. I fear that there are those who, for whatever reason, are forgetting the individual cadet, the individual

> human being here, and are trying to get you caught up into a group and to use you for something that's going to hurt some of you-- such as the mother's son who now has--whose name is all over the public as in, her eyes, her term "publicly disgraced" and publicly branded as an honor violator. Again--not the action of the institution. We are sensitive to the rights of the individual and to the future of the individual.

Michael Rose complained strongly that the Superintendent was improperly trying to discredit the defense counsel in the eyes of their clients. Lincoln and Sharphorn said that a number of the cadets in the audience had come to them believing that the Superintendent was referring to their counsel. However, they believed that he was talking about Rose, who was the leading proponent of an amnesty. Sharphorn was denied permission to attend the meeting and complained that his exclusion was improper and a harassment.

- On 1 September 1976 the Superintendent spoke to a group of military and civilian members of the staff and faculty of the Academy. He reviewed the status of the EE 304 cases, discussed letters he had received from Congressmen, USMA graduates and others, expressed concern over the effect of the cheating episode on members of the Class of 1977 and other cadets, and encouraged his listeners to be more sensitive to the needs of cadets and improve their communications with them. The Nedzi Subcommittee was meeting that same day and the Superintendent noted this, stating:

> Right now, the hearings before the Nedzi Sub-Committee of the House Armed Services Committee continue. They went on this morning commencing at 1000, resumed this afternoon, and promise to go until 5 or 6 this afternoon. This is the day for those who are presenting the case on behalf of those who have violated the Honor Code. This is the day that Congressman Downey, of Long Island, a critic of the Military Academy and its Honor Code and System-he is a member of the Sub-Committee - is appearing as a witness before it - The civilian counsel, Michael T. Rose, is appearing there; two military lawyers, Captains Lincoln and Sharphorn are appearing before the Nedzi Sub-Committee and one cadet is there on behalf of the institution-Cadet Michael Ivy, the Chairman of the 1977 Honor Committee.

Captain Lincoln complained in a letter to the Secretary dated 7 September 1976 that the Superintendent had said

> "Today is the day for the opponents of the Military Academy to testify before the Nedzi Committee. Mr. Michael T. Rose is there; two West Point Officers are there, Captain Lincoln and Captain Sharphorn and two cadets who have been found." He went on to say that, "We will be represented by Cadet Mike Ivy, Chairman of the Honor Committee."

and that such statements "cause individuals to look upon defense counsels as destroyers of the system." Michael Rose also wrote to the Secretary to lodge the same complaint. Lincoln and Rose were not present at the 1 September meeting.

Your investigators have listened carefully to the official tape recording of the Superintendent's remarks and find that he did not refer to the mentioned counsel as "opponents," that the quotation from his remarks set out above is accurate, and that such was the only portion of his remarks pertinent to this particular complaint.

SOCIAL OSTRACISM

Several defense counsel complained that they have been ostracized socially by members of staff and faculty because of their role as defense counsel in the EE 304 cases. They said that they are not invited to social affairs to which they normally would expect to be invited and that their social life at West Point is limited largely to inter-Law Department affairs. In addition, they notice that many members of the staff and faculty, knowing that they are defense counsel, will change the subject of conversation upon their approach or fall silent.

However, an approximately equal number of defense counsel said that they had not been subjected to such ostracism and had a good rapport with staff and faculty members outside the Law Department. Several members of the staff and faculty of other departments were questioned on this point and responded that they were unaware of any such ostracism.

NON-COOPERATION

The undersigned asked the attorneys assigned to the Law Department who were detailed as defense counsel in the EE 304 cases whether they could cite an instance in which they had been hampered by anyone in the course of preparing their defense of cadet clients or in the presentation of their defenses. The answer was uniformly negative, except that some of the counsel said that it occasionally took an undue amount of time to obtain copies of personnel records and related information pertaining to their clients. Others complained that the tactical officers of cadets were reluctant to cooperate; they attributed this to alleged indoctrination by BG Ulmer that lawyers are trouble-makers and are always trying to win their honor violation cases on "technicalities." Another complaint was that for a time during the initial phase of the EE 304 episode the defense counsel were not permitted to talk to a cadet's tactical officer without first obtaining the consent of a supervisory official such as a Deputy Commandant, purportedly in order to prevent undue interference with the tactical officers in the performance of their duties. This restriction was later canceled.

Some of the counsel, however, stated that they had no complaints concerning cooperation of the staff and faculty and had not been hampered by anyone in the discharge of their duties. Members of the staff and faculty questioned on this score uniformly were of the opinion that the Academy had done "more than was required" and had been "very liberal" in providing support to the defense counsel.

When the TDY defense counsel completed their duties at West Point and were ready to return to their permanent stations, all the defense counsel (42 on TDY and 8 assigned to West Point) were invited to submit comments. The eight permanently assigned officers offered no comments (Captains Lincoln and Sharphorn ascribe this to fear of damaging their careers by offering any criticism of Academy procedures). Twenty-five of the TDY officers submitted comments; none complained as to lack of cooperation or any form of harassment. Why the remaining 17 did not comment is unknown and inferences can, of course, be drawn either way. The coordinator of defense counsel activities, in reporting the results of the survey, stated that the facilities provided the TDY counsel were adequate and that the direct administrative support for the attorneys was excellent, as was the support from the SJA's office and many other offices and agencies of the Academy.

The record of the defense counsel is impressive. Out of 202 cases referred for board action by the end of September 1976, 52 cadets were exonerated, 28 cases were dismissed by the Superintendent primarily for insufficiency of evidence and, with action on some board proceedings (involving 30 cadets) not yet final, this total of exonerations may be augmented.

Defense Counsel Rated by Adversaries; Defense Counsel Generally Receive Lower Ratings

In a letter to the Secretary of the Army dated 7 September 1976 Captain Lincoln lodged the following complaint:

> Contrary to the guidance of the Judge Advocate General, my military performance as a Defense Counsel was not evaluated by the Senior Defense Counsel, but by the Department of Law Executive Officer who worked directly for the Staff Judge Advocate and who, necessarily, was required to

> view everything from a pro-government and pro-institutional point of view. At several officer boards pursuant to Army Regulation 15-6, Major LaGrua, the Executive Officer, served as the Legal Advisor to the board. Representing the respondent as a defense counsel, I challenged for cause Major LaGrua because he was my rater on my officer efficiency reports. In both cases, my challenge was overruled and Major LaGrua remained as Legal Advisor.
>
> The United States Military Academy may be the only general courts-martial jurisdiction in the world to require in writing that appointed defense counsel have their job performance measured by those against whom they must make legal argument.

It is a policy of The Judge Advocate General that officers assigned to defense counsel duties are to be rated by other defense counsel senior to them insofar as this is possible. In small offices it is not; typically, even if there is a senior defense counsel to serve as the rating officer on a defense counsel's efficiency report, the officers next above in the office hierarchy will be the Executive Officer and the SJA, who will be the Indorsing Officer and Reviewing Officer, respectively. Captain Lincoln regards officers occupying positions such as the latter to be proponents of the Government's prosecutorial interests and therefore the adversaries of defense counsel. As indicated, he asserts that it is his duty to make legal arguments against them and that they should not be evaluating his "job performance." His theory seems to be that officers in such roles have a conflict of interest which disqualifies them from rating a defense counsel. The efficiency report regulations, however, do not support this contention.

The other defense counsel at West Point are not so vocal on this issue, but Captain Lincoln's views are shared by other military lawyers in the armed forces and complaints similar to his are heard from time to time. A corollary sentiment which has become folklore among military lawyers is that defense counsel duties are not career enhancing and, if pursued vigorously, can be career destroying.

The 22-man Law Department is staffed by one colonel, two lieutenant colonels, four majors and fifteen captains. Duties are so assigned that the indorsing and reviewing officers are always senior officers whom Lincoln regards as Government protagonists of defense counsel. The situation is further complicated by the fact that the Law Department is primarily an academic department and only secondarily functions as a staff judge office, and the members of the department have academic rank apart from their military rank. Considerations of seniority in academic rank as well as military rank sometimes results in defense counsel also being evaluated by a rating officer who is not assigned to defense duties. However, examination of the efficiency reports of the officers assigned to the Law Department does not show that those assigned to defense duties have received lower efficiency ratings than those assigned to other duties.

In Lincoln's case, his first year's report was scored in the "Superior" range and his second and third year's reports in the top or "Outstanding" range. These annual reports contain no derogatory remarks; on the contrary, they praise his performance of duty highly. The last report, it is worth noting, is for the period 30 March 1975 through 29 March 1976, and thus covers his performance of duty as defense counsel for Cadet Verr and the investigation of his alleged unethical conduct.

Defense Coordinator Replaced by Inexperienced Officer

Captain Lincoln complained formally to the Nedzi Subcommittee on 1 September 1976, and later to the Secretary, that the "relief" of LTC Charlie C. Watkins as coordinator for the defense counsel in the EE 304 cases on or about 3 July 1976, when the case load was at or nearing its peak, and his replacement by a TDY officer, Major (now LTC) Victor G. McBride, who had only recently arrived and therefore was relatively unfamiliar with the EE 304 cases, constituted a harrassment of the defense counsel. There was no complaint as to Major McBride's competence as a lawyer.

The charge came as a surprise to the SJA, LTC Shimek. He told the undersigned that soon after the EE 304 incident broke in March 1976 LTC Watkins and nine other officers in the Law Department were detailed to defend respondent cadets accused of cheating. Four of these were already detailed as defense counsel as an additional duty. As LTC Watkins was the senior, he functioned as Chief Defense Counsel. His primary duty in the SJA office was in legal assistance, but it had been planned for some time that in the summer he would be moved into a more responsible position as head of the Administrative Law Section, replacing Major William J. Hemmer, who was leaving to attend a Command & General Staff course at Fort Leavenworth. When 62 JAG officers were ordered in on TDY to help handle the EE 304 cases, it seemed appropriate to move Watkins into his new position as Administrative Law Chief at that time and assign the job of defense coordinator to one of the TDY officers, who would be handling the bulk of the cases. LTC Watkins joined in the selection of Major McBride as his successor. As Major McBride was to coordinate the activities of both TDY defense counsel and permanent party counsel, Captain LeRoy L. DeNooyer, a member of the Law Department, was named as his assistant. DeNooyer was familiar with the development of the EE 304 cases and Watkins remained available for counsel and assistance as required.

Captain Lincoln does not cite any specific ways in which the defense counsel were hampered in the performance of their duties by the replacement of LTC Watkins with Major McBride and the undersigned have found none. In conversation with us, Lincoln speculated that Watkins may have been reassigned because the command was unhappy with the way he had handled the AR 15-6 investigation of his (Lincoln's) alleged unethical conduct in the course of defending Cadet Verr or the fact that he had "stepped on an awful lot of toes" in defending a cadet in a non-honor case involving an alleged misuse of funds of the Army Athletic Association. The undersigned could find no evidence to support these speculations.

TDY Military Attorneys Ordered Not to Talk to the Press

Colonel Alton H. Harvey, JAGC, was detailed as administrative supervisor of the 62 JAGC officers on TDY at the Academy to assist in processing the EE 304 cases. In a meeting of LTC Shimek and Colonel Harvey with those officers, LTC Shimek said that he could not tell them not to talk to the press, but Colonel Harvey allegedly interjected with "I can! I can order you not to talk to the press!" or words to that effect.

Captain Lincoln submitted an affidavit signed by five TDY officers stating that this had occurred.

Colonel Harvey confirmed that he had made a statement substantially as alleged, but did not pursue the matter further at the time. However, five or six days later he issued instructions to the TDY officers to the effect that they were subject to the USMA standard operating procedures concerning communication with the media by USMA personnel on official matters. Thereunder, press inquiries are to be referred to the Public Affairs Officer, who is responsible for determining how best to respond to the inquiry. If a reporter asks to talk to a member of the staff and faculty or a cadet, the request normally will be granted and the PAO will arrange a time and place for the interview, usually at a time when it will not interfere with required duties and at a place which is open to the public.

LTC Thomas Garigan, the USMA PAO, states that every request from the media to talk to a member of the staff and faculty (including TDY lawyers) or a cadet concerning the EE 304 cases and related matters has been granted and that his office has actively assisted in getting the parties concerned together. For all practical purposes, LTC Garigan states, the usual procedures have been suspended with regard to such media inquiries, so that, for example, it is commonplace to find reporters in cadet barracks talking to cadets although those barracks normally are not open to the public.

It has not been alleged that any defense counsel in the EE 304 cases has been refused permission to talk to the media, and the undersigned have found no evidence that such has occurred.

Defense Appellate Division Refusal to Aid Defense Counsel in Proceedings Before the Court of Military Appeals

During the summer several cadets, aided by their defense counsel, petitioned the Court of Military Appeals (COMA) for extraordinary relief in the form of a writ of prohibition to stop all the EE 304 board hearings and prevent the separation of any cadet for cheating on the EE 304 examination. The counsel asked the Defense Appellate Division (DAD), US Army Legal Services Agency, at Department of the Army level, to assist them in preparing a legal brief supporting their petition to be filed with COMA. By authority of Colonel Harvey, Chief of DAD, their request for assistance was refused. According to Captain Lincoln, DAD personnel "would not even answer administrative questions such as the number of copies of the petition to file." The DAD refusal was cited by Captain Lincoln as harrassment of the defense counsel.

Colonel Harvey confirmed that DAD had refused the requested assistance, as described above. He states that the refusal to answer administrative questions exceeded his instructions and was a mistake.

In explanation of the DAD refusal, Colonel Harvey explained that the primary function of DAD and its companion agency, Government Appellate Division (GAD), is to handle appellate proceedings before the Court of Military Review and the Court of Military Appeals with respect to military criminal law matters; i.e., appeal of cases tried by courts-martial. Moreover, with respect to petitions to COMA for extraordinary relief, the two divisions are not authorized to assist the petitioners, or to represent the Government in opposition to a petition, until ordered or authorized to do so by COMA.

With respect to the petitions in question, COMA did order the Army to provide assistance to the petitioners. In response, Colonel Harvey sent Captain Robert Jones, the best qualified officer available to him for such an assignment, to West Point to help the counsel prepare their case. Captain Jones did so and returned to duty in DAD. His role in the matter is not widely known because his name was not listed on the briefs and other papers filed in support of the petitions.

Defense Appellate Division Refusal to Permit Captain Jerry Lewis to "Return" to Argue Case Before the Court of Military Appeals

Captain Jerry Lewis, assigned to duty in the San Antonio area, was selected as one of the officers to be sent to West Point on TDY for 90 days. He was reluctant to go because of a family situation requiring his personal attention to care of his children. As a result, his TDY was limited to 45 days. While at West Point he assisted in preparation of the previously mentioned petition to COMA. He completed his TDY and returned to San Antonio.

Thereafter, oral arguments in the cases were scheduled for 16 August 1976. Two days before the arguments, Michael Rose called the Office of The Judge Advocate General by telephone, talked to the Executive Officer, Colonel Robert B. Clarke, and asked that Captain Lewis be returned on TDY so that he could argue the cases before COMA. Colonel Clarke called Captain Lewis and ascertained that Lewis was interested, but that he no longer had a client in the EE 304 cases. The Judge Advocate General then refused the request on grounds that Lewis had no client, that other officers fully competent to argue the case were present and available in the Washington area, and that he could not justify the lost duty time and expenditure of public funds that would be involved in bringing Lewis to Washington on TDY as requested.

Captain Lincoln cites this refusal as a general harassment of the defense counsel.

Discussion

Our investigation did not establish that there is at West Point an attitude of conceptual disapproval or lack of sympathy with the mission and function of a military defense counsel. The prevailing attitude is that such counsel, considered in the abstract, perform a desirable and useful function and that every accused cadet is entitled to a vigorous and thorough defense by a military lawyer devoted to his client's welfare. The above described views of the Commandant, in effect that a military counsel should not go to extraordinary lengths defending a client whom he knows to be guilty, are atypical.

On the other hand, there is general resentment of the allegations of particular defense counsel as to widespread prevalence of honor violations, defects in the Honor System (e.g., single penalty of separation for an honor violation too harsh), maladministration of the Honor System, institutional shortcomings, and like allegations which reflect adversely upon West Point and its way of doing things. There is also general resentment of the way in which the defense counsel took their case to the media, and some resentment of Captain Lincoln's actions described above, such as releasing the names of alleged cadet honor violators to the press without authority.

The consensus of the defense counsel is that they were conscious of the general displeasure of Academy officials and the West Point community with them, that it was an unpleasant situation, and that they objected to it. All denied, however, that these attitudes in any way intimidated them.

Was this displeasure or resentment justified? On balance, we do not think so.

The statements of Lincoln and Sharphorn to the press quoted above were the most critical we could find in three separate collections of press clippings on the EE 304 incident. In language which is often quite blunt, and on occasion extravagent, the two lawyers in effect argue the cases of their cadet clients to the public.

First, they state what they conceive to be wrong with the Honor System, its administration generally, and the way in which the EE 304 charges were processed. Disregarding the adversarial rhetoric employed, we take no issue with their conception of "things wrong." The general conclusion of those who have analyzed the EE 304 situation objectively is that honor violations are, indeed, widespread throughout the Corps; that there are defects in the Honor System; and that there is a partial breakdown in the way it is administered, due in part to institutional shortcomings. All or virtually all of the defects and faults which the defense counsel cite are now conceded by the Academy. The story about raincoats in the cadet store attributed to "the lawyers" was inaccurate, but to some extent excusable as a bit of Academy folklore widely circulated among the TDY defense counsel.

Second, in the manner of defense counsel, they characterize the policies and practices of the "opposition," in this instance the Superintendent and the Secretary, in ways which emphasize what they regard as the injustice suffered by their clients. Here their rhetoric becomes more florid and emotional. Thus, there is "selective prosecution" of only a few cadet honor violators.

They are "token lambs led to slaughter;" they are being "railroaded;" and "justice is being subverted" by the "hypocrisy" of Academy officials. Secretary Hoffmann's response to the 3 May 1976 letter of the ten defense counsel was "hypocritical;" he and his staff were willing to "sacrifice" cadets to maintain the "fiction" that the Honor System works.

Perhaps the most extreme public statement was made by Captain Sharphorn in testimony before the Nedzi Subcommittee when, as noted above, he said that "To resist change and avoid admissions of imperfection, the Academy and the Army are now subverting justice . . . [They have] elected to separate and stigmatize a representative portion of the cadets . . . when . . . hundreds of other Honor Code violators remain within the Corps of Cadets."

This, of course, imputes to the Academy and the Army a deliberate, calculated design to suppress the truth as to the dimensions of the cheating scandal, to "stonewall it," and in the process callously to "separate and stigmatize" only "a representative portion" of the guilty (i. e., a token number) to demonstrate adherence to traditional strictness in enforcing the Honor Code.

The facts do not support such a charge. While special measures probably should have been taken at the outset to augment the Academy's capacity to investigate the allegations of mass cheating, the Academy has nevertheless pursued every lead in an effort to identify EE 304 cheaters and develop probative evidence of such cheating. No evidence of collusion or conspiracy, or even individual effort, on the part of Academy or other Army officials, to suppress the truth has come to light. Captain Sharphorn's statement therefore, in our opinion, was unwarranted in its implications. This rhetorical excess and a few other similar public utterances by defense counsel were improper and, we believe, render excusable a portion of the resentment which they aroused within the West Point community. To the extent that this resentment was considered harassing, the defense counsel whose rhetoric got out of hand brought it upon themselves and their colleagues.

With respect to the complaints concerning statements of the Superintendent and the Commandant, the remarks of BG Ulmer critical of defense counsel establish, at the minimum, that he does not understand the role of the military lawyer. In our opinion his remarks were unjustified and harassing, as claimed.

On the other hand, we do not regard as harassing the remarks of the Commandant and the Superintendent to cadets on 27 and 28 August 1976, respectively, or the remarks of the Superintendent to the Staff and faculty on 1 September 1976. In our opinion, it was not improper for the Commandant or the Superintendent to counsel the cadets to make up their own minds and do what was in their own best interest, or to assure the cadets that the Superintendent and the Secretary would keep their promises as to the readmission.

Nor did Sharphorn's role as a defense counsel entitle him to be present at the Superintendent's 28 August counseling session. Although EE 304 matters were discussed, individual cases were not, and it was entirely appropriate for the Superintendent and the Commandant to discuss the situation generally and answer questions in order to promote better understanding, without defense counsel being present.

One reason the Superintendent and the Commandant spoke to the cadets was their concern that some of them had false hopes of being exonerated by an amnesty for all EE 304 examination cheaters and were reacting accordingly. Mr. Rose and some defense counsel had advanced such a proposal to the Superintendent, the Secretary, and to members of the Congress, and had urged their cadet clients to "hold out" for such a solution to their problems. Excluding the views of its proponents, the amnesty proposal was almost without exception regarded as totally unrealistic. When the proposal was made by one of the defense counsel, Captain James D. Earl, during oral arguments before COMA on the petitions of the cadets for a writ of prohibition, that "all cadets be reinstated to the academy and that the slate be wiped clean," Chief Judge A. B. Fletcher Jr., responded that "What you suggest shocks my conscience," noting that cadets in the Class of 1977 will "lead our Army in the field in the next twenty years." The amnesty proposal was offered to the Nedzi Subcommittee during testimony on 1 September 1976. Several members rejected the idea out of hand and the Subcommittee apparently did not give the proposal serious consideration.

As for the Superintendent's remarks on 1 September 1976 concerning those who were testifying before the Nedzi Subcommittee, we do not read them as being disparaging or critical of the defense counsel, so as to support a charge of harassment.

The remaining complaints of unfair criticism, attitudes and pressure described above likewise do not appear to have substance. The facts available to us concerning alleged social ostracism, lower efficiency ratings for defense counsel, and the "relief" of LTC Watkins do not in our judgment establish that harassment was involved. The facts as to Colonel Harvey's instructions to the TDY counsel about talking to the press, and the two complaints concerning denial of assistance to the defense counsel in presenting their case before COMA, similarly do not show improper harassment of the counsel.*

Findings

In our judgment, the West Point community's general attitude of disapproval of the activities of the defense counsel was in substantial part unwarranted and to that extent constituted an improper harassment. The remarks of BG Ulmer critical of the defense counsel and military lawyers in general also were improperly harassing. The remaining complaints of harassment discussed under this heading were not, in our opinion, substantiated.

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*Captain Lincoln tendered his resignation from the Army on 21 October 1976. See footnote following page 92.

B. Captain Daniel H. Sharphorn

Captain Sharphorn's principal complaint was expressed succinctly in a letter to the Secretary of the Army of 14 September 1976 as follows: "The most visible harassment in my case exists in the form of a derogatory statement attached to an Officer Efficiency Report I recently received." He also joined with Captain Lincoln in complaining of more subtle forms of harassment, such as hostile remarks of senior officials of the Academy concerning defense counsel and attorneys in general, and an official attitude that defense counsel are expected to avoid defense tactics which involve criticism of the command or risk permanent damage to their military careers.

Background

Captain Sharphorn was detailed in April 1976 to serve part-time as a defense counsel in the EE 304 cases. He soon came to share the strong views held by Captain Lincoln as to the wide prevalence of honor violations at the Academy, the defects in the Honor System, and the institutional failures with respect to its administration. He expressed his views freely to the press, signed the two letters requesting appointment of an impartial board of inquiry, and testified against the system at the Downey "public forum" on 4 August 1976 and the Nedzi Subcommittee hearings on 1 September 1976.

Captain Sharphorn's testimony at the Downey "public forum" included a statement that Colonel Frederick C. Lough, Director of the Department of Law, had made an adverse comment about him in an efficiency report because of Sharphorn's critical remarks about senior officers responsible for the government of the Academy, and his opinion that the comment would have a negative effect on his military career.

Subsequently, before the Nedzi Subcommittee, Captain Sharphorn testified that the Academy "has so vigorously resisted change and admissions of institutional imperfection that it has suppressed and avoided truth and subverted justice." Captain Sharphorn did not mention the adverse efficiency report comment in his prepared statement, but Captain Lincoln cited it in his subsequent statement as an example of harassment of defense counsel. Later, while responding to some questions by Representative Ronald Dellums, Sharphorn stated that he had received "a fine rating" from the SJA (LTC Shimek), and that "the only adverse action that has been taken against me overtly to this point has been by the head of the Department . . . concerning . . . [my] outspokenness and criticisms of officials at the Academy." The reference was to Colonel Lough, of course, although his name was not given. (Captain Sharphorn's total score on the report was 195 out of a possible 200.)

In conversation with the undersigned on 20 September 1976, Sharphorn stated that, while he was not certain, he believed that the "critical remarks about senior officials" to which Colonel Lough objected were remarks attributed to him in a New York Times story datelined 11 July 1976 and appearing in the July 12th issue of that paper. He stated further that Colonel Lough did not talk to him about his remarks before he attached his comment as the reviewing official to the report on 19 July 1976; that Colonel Lough departed on leave to England on 21 July 1976 (returning 13 August 1976); and that he, Sharphorn, received a copy of the adverse comment on 22 July 1976.

Captain Sharphorn said that he was aware that he has a right under regulations to appeal the adverse comment to a Department of the Army board established to hear and act upon such matters and that, if he could convince the board that the adverse remark was unfair, it-would be expunged from his personnel file. He stated further that he would lodge such an appeal, but had not decided when to do so.

Colonel Lough was interviewed by the undersigned on 24 September 1976. He confirmed that he had based his adverse comment on the critical remarks attributed to Captain Sharphorn in the New York Times article, and that he did not talk to Sharphorn before he attached the comment to the efficiency report on 19 July 1976. The critical remarks of Captain Sharphorn were made on the last day of a 365-day rating period (12 July 1975 through 11 July 1976).

In the 12 July 1976 New York Times article unnamed "prosecutors" were said to have told "Academy officials" that if there were "a proper investigation" they would have 300 to 400 cheating cases instead of the 173 then identified. (By "prosecutors" the writer presumably meant the recorder of boards of officers hearing EE 304 cases, such recorders being responsible for presenting the Government's evidence.) Unnamed "Army lawyers assigned to defense and prosecution roles" allegedly said to the reporter in interviews that the Academy had decided to limit the inquiry and end it by 1 September 1976. Sharphorn was quoted as saying that the Academy was afraid to proceed with a full investigation because "173 guilty cases can be explained in terms of dishonest cadets, but with half the class involved you have to question the system itself."

The West Point "position" was said to be that the investigation was being pursued vigorously and that the current cases (then 173) probably represented the full scope of the cheating.

It was also noted in the article that Academy officials had requested "extra lawyers to facilitate the handling of the 173 cases," but that "Army lawyers assigned to the post have said that even with the extra lawyers it will be impossible to handle more than the 173 currently officially accused." Sharphorn was quoted as saying that "There seems to be a clear intention to limit prosecution to that number. They just don't want to think that the cheating was more widespread. I didn't either, and I wanted to believe they'd do the right thing, but something is very sour here."

Elsewhere in the article, it was said that unnamed "lawyers" had pointed out that the Academy's intention to limit expansion of the investigation "became apparent to some in mid-June when General Berry reversed a decision to grant testimonial immunity to cadets who had been found guilty." Sharphorn was then quoted as saying that "Through this vehicle . . . subsequent cases could be properly pursued. Most of the evidence we have now is limited to similarity of exam papers. General Berry signed one such immunity form, but then stopped." (In fact, the initial use of immunity grants was halted by the Department of the Army because of possible procedural irregularities. The Academy was authorized in late August to resume use of grants of immunity under carefully drawn guidelines.)

Captain Sharphorn does not claim to have been misquoted in the 12 July article; on the contrary, he states that the quotations accurately reflect what he said, although he was not quoted literally.

It was these quoted statements of Captain Sharphorn to which Colonel Lough referred in his adverse comment, which reads: "Subject officer has, in my judgment, expressed critical remarks about senior officers responsible for the overall government of the United States Military Academy and these remarks exceed, in my judgment, the bounds of fair comment." In explanation of this to the undersigned, Colonel Lough said that he could not reconcile Sharphorn's statement to the press that the Academy had decided to limit the scope of the investigation with what to him were the unprecedented efforts of the Academy to cope with the problem, citing the 62 additional lawyers brought in on temporary duty to help process the cases, the special arrangements for producing transcripts of hearings, and the large scale administrative support given the attorneys, which included making "most of four floors of Thayer Hall" available to them.

He also said that he could not conceive that officers such as the Superintendent were "afraid" to face up to the situation, as Sharphorn was quoted to have said. Colonel Lough evidently thought Sharphorn had used the word in a literal sense as importing a feeling of fear, rather than apprehension or concern, and stated that he "could not conceive" that the Superintendent, who had shed blood in combat, would be "afraid" to investigate the EE 304 episode fully.

It was for these reasons, according to Colonel Lough, that he could not agree with the statements of the Rating Officer and the Indorsing Officer in the efficiency report that they would promote Captain Sharphorn to the next higher grade ahead of his contemporaries.

With respect to his adverse comment, Colonel Lough said that as a reviewer he was required to "examine the rater's and indorser's evaluation of the rated officer from the viewpoint of fairness with respect to the interest of the Army and the rater officer." This was lifted directly from the instructions for reviewers set out in Chapter 5 of Army Regulation 623-105, "Officer Evaluation Reporting System." Instructions to raters and indorsers as to the sort of evaluation with which Colonel Lough disagreed are contained in subparagraph 4-2e, AR 623-105, as follows:

> Evaluations by raters and indorsers must be based upon observation or information of the rated officer in a typical performance of duty and should cover his failures as well as his useful accomplishments. Evaluations must not be based upon a few isolated striking incidents.

There are no instructions in AR 623-105 addressed to reviewers as to how they should evaluate the rated officer; presumably they should conform to a standard no less exacting than that quoted above. On the other hand, subparagraph 5-2j authorizes a reviewer to add "any additional comments considered appropriate to protect the interests of the Army or the rated officer."

AR 623-105 understandably does not contain instructions as to evaluation of conduct by the rated officer which occurs on the last day of the reporting period, such as Sharphorn's remarks to the

New York Times reporter on 11 July 1976. However, subparagraph 1-2b(3) is of general pertinence. It provides:

> (3) OER will not contain remarks pertaining to manner of performance or incidents occurring prior or subsequent to the period of the report. Adverse information concerning the rated officer and applicable to the reporting period will be included in the report, if resolved or known prior to the submission of the report. Although every effort will be made to resolve and include adverse information, as deemed appropriate, in an OER prior to forwarding the report to HQDA, the submission of an OER will not be delayed beyond the required 45-day time limit for this purpose. Procedures for submitting adverse information which becomes known or is not resolved or adjudicated until after an OER is submitted are provided in paragraph 1-5b. (Underscoring supplied)

The cited paragraph 1-5b authorizes the submission of an addendum to an efficiency report to cover adverse information applicable to the reporting period, but not resolved until after the submission of the report. The rater, indorser, and reviewer on the report also participate in preparation of such an addendum.

Lastly, it is provided in paragraph 1-2g of AR 623-105 that when processing of an efficiency report is complete it may not be withdrawn or amended except with the approval of the Secretary of the Army or as provided in Chapter 8 concerning appeals. That chapter authorizes withdrawal or amendment if approved by a board of senior officers at Department of the Army level known as the ODCSPER Special Review Board.

Discussion

Captain Sharphorn's quoted remarks obviously were critical of the Academy leadership. Colonel Lough found them to exceed the "bounds of fair comment" because, in his judgment, it was not true that Academy officials had decided to limit the scope of the investigation, being "afraid" to conduct a full investigation of the incident. Captain Sharphorn disagrees. He believes that he spoke the truth and that his remarks did not exceed the bounds of fair comment.

Colonel Lough's action as reviewing officer was procedurally correct under the regulations. As he disagreed with the statements of the rater and the indorser as to accelerated promotion for Sharphorn, it was his duty to say so. He did not give the captain a chance to explain his remarks before taking his action as reviewing officer, but such is not required specifically by the regulations, as in the case of an adverse report rendered by a rater or indorser.

Reviewers' comments, however, must be fair and objective, not arbitrary or capricious so as to constitute an abuse of discretion.

Sharphorn believes that his quoted statements about the attitude of Academy officials were correct, and if the circumstances at the time (11 July 1976) provided a rational basis for his belief then the conclusion of Colonel Lough that the statements exceeded the bounds of fair comment because they were untrue may have been in error and his adverse comment therefore unfair.

The question therefore arises: Was Captain Sharphorn justified in believing his statements to be correct?

Colonel Lough, of course, believes that he was not for the reasons described above. However, he did not ask Sharphorn to explain his remarks; nor did he make any other inquiry into the matter. He based his conclusion that Sharphorn's remarks were incorrect and therefore exceeded the bounds of fair comment solely on information in his possession at the time (19 July 1976).

With respect to whether Sharphorn was justified in believing that his quoted statements were correct, the following circumstances are pertinent:

- The investigative apparatus under the Honor Code System, consisting of one cadet investigating officer per regiment and the Investigating Subcommittee of the Honor Committee, an ad hoc body consisting of three cadets is not capable of investigating mass allegations of cheating such as in the EE 304 episode.

- The investigative apparatus was not augmented, as in the case of the legal staff, when the scope of the EE 304 episode became apparent. During the summer, cadet capability to investigate honor violations declined. In some cases, facts had to be developed by electrical engineering instructors, members of an Internal Review Panel, or recorders of board of officers. Investigation of the 200-plus cases of cheating which developed from comparison of examination papers, cadet testimony during hearings, and in other ways, was often inadequate. No investigative force was available to conduct a class-wide investigation to determine if half or more of the 870-man Class of 1977 had cheated on the examination, as alleged.

- A number of the defense counsel, including Captain Sharphorn, asserted as early as April 1976 that from 300 to 600 members of the Class of 1977 were involved in the cheating, that more were going undetected than were being charged, and that a full investigation should be made, utilizing grants of immunity to obtain information from implicated honor violators as yet unidentified. These assertions were formalized in the letter of 3 May 1976 signed by ten defense counsel which also, as previously mentioned, called for the appointment of an impartial board of inquiry.

- The prosecutors (recorders of boards of officers) also urged the Academy to authorize use of grants of immunity to enable them to develop additional evidence of cheating, primarily from cadets who would otherwise be charged with the honor violation of toleration because they had kept silent as to the violations of others. (As noted earlier, it was the Department of the Army which suspended the use of grants of immunity.)

- Collaterally, as a tactic in defense of their clients, the defense counsel (including Sharphorn) argued that the cheating was so pervasive that it was unfair to expel their clients while hundreds of other cheaters went undetected, and that either no penalty should be imposed for the EE 304 cheating or at least some penalty short of expulsion.

- Sharphorn and his defense counsel colleagues state that they attempted to convince senior Academy officials that cheating on the EE 304 examination by members of the Class of 1977 involved half or more of the 870-member class and that honor violations throughout the Corps were commonplace, but that the officials "would not listen." The publicly expressed attitude of the Academy in April and May 1976 was that the cheating was not widespread and would be dealt with as usual, under established procedures.

- The 3 May 1976 letter of the defense counsel was answered on 19 May 1976 by an indorsement stating that the Secretary had denied their pleas. On 21 June 1976 the Secretary of the Army and the Superintendent testified before Senator Nunn's Subcommittee on Manpower and Personnel of the Senate Committee on Armed Services. At that time 171 cases of cheating had surfaced. They defended the Honor Code and System, although agreeing that improvements in the System were needed. Contemporaneously, the press quoted the Superintendent as stating that the investigation was being pursued vigorously and that the current cases probably represented the full scope of the cheating.

- Thereafter, the position of the defense counsel that honor violations were so pervasive that the system had broken down, and that it would be unfair to single out their clients for prosecution and possible expulsion appeared in the printed and electronic media more frequently. It is not clear whether this was at the initiative of the media to produce news, or the defense counsel to generate public support for their clients. The July 11 statements of Sharphorn to the New York Times reflect their apparently sincere view that the Academy was trying to limit the scope of investigation and prosecution.

- At the time of Captain Sharphorn's statement the West Point community in general, as noted earlier, resented the activities of the defense counsel because of (1) their criticism of the Academy officials and the institution itself (many not understanding that a defense counsel's duty may require him to do so) and (2) the manner in which they had "gone public" with their case rather than confining their efforts to "channels" and the established system. Many defense counsel felt isolated and beleaguered and believed that the Academy was hostile to their efforts to defend their clients to the best of their ability.

In sum, the foregoing circumstances contradict the conclusion of Colonel Lough that the remarks of Captain Sharphorn to the New York Times were, prima facie, so incorrect that they exceeded the bounds of fair comment. Note that:

o The Academy at first, probably because of uncertainly, did not state that the cheating was on a large scale. It was only later that the Academy stated publicly that the number of cases was considerably in excess of 200.

o Suspension of the use of grants of immunity until late August did have the effect of limiting the prosecution of violations; the "prosecutors" themselves were of this belief and objected.

However, it should be noted, this action was taken to guard against possible procedural irregularities.

o Sharphorn's statement that Academy officials were "afraid to proceed with a full investigation" because "with half the class involved you have to question the system itself," may have involved a poor choice of words and may not have been true in a literal sense, but it was readily explainable in terms of the Academy's concern over the possibility that the cheating scandal might wreck the Honor System. Also, the statement may be defensible on the basis that the Academy's seeming slowness to admit publicly the dimensions of the problem and to concede institutional failures evidenced a protective attitude toward the system.

These circumstances provide a reasonable basis for Sharphorn's statements. Indeed, subsequent developments have proven them to be substantially correct because the total number of cheaters on the EE 304 examination has not been determined.

However, Colonel Lough did not ask him to explain his remarks or make other inquiry concerning them. He made no allowance for the fact that Sharphorn's remarks were made in his role of defense counsel and were consistent with the defense argument that the Academy should recognize that the scandal involved "half the class," that it represented a failure of the Honor System, and that it was unfair to prosecute and possibly expel those who had been caught when so many of their classmates, allegedly equally guilty, were going undetected.

In view of these circumstances, it is our opinion that the critical remarks of Captain Sharphorn, to which Colonel Lough took such exception, did not exceed the bounds of fair comment. It is not surprising that Captain Sharphorn regards the adverse comment as a form of harassment provoked by his defense counsel activities.

Finding

Colonel Lough's cursory action as reviewing authority, taken without any effort to investigate in order to confirm his opinion that Captain Sharphorn's remarks were incorrect and therefore exceeded the bounds of fair comment, was unwarranted, unfair, violative of the spirit of the efficiency report regulation if not its letter, and should be withdrawn from Sharphorn's personnel file under the authority which the Secretary has reserved to himself in AR 623-105, as noted above.

C Captain Burk E. Bishop

Captain Bishop presents only a single complaint: that his request for deferment for one year from scheduled attendance at the JAGC advanced course may have been denied to force him "to choose between a reasonable expectation of a successful career and the continuation of an active defense of my cadet clients." Aside from this, he has in conversation expressed general agreement with some of the complaints of harassment registered by Captain Lincoln discussed above.

Background

In February 1976, Captain Bishop was named a second alternate to attend the Advanced Course at the Judge Advocate General's School beginning 23 August 1976. The primary and first alternate lists were exhausted in the course of making up the final list of attendees and Captain Bishop was notified orally on about 5 May 1976, and by letter dated 12 May 1976, that he had been selected to attend the Advanced Course.

Captain Bishop requested deferment of attendance at the Advanced Course due to (a) his duties as defense counsel in the EE 304 cases and (b) his desire to complete in the school year

1976-1977 his third and final year of study at N. Y. U. School of Law for a master's degree in taxation, which he had been pursuing in off-duty time at his own expense and for his own purposes. Deferment was denied on 15 June 1976. By letter dated 21 June 1976 Captain Bishop declined attendance at the Advanced Course. He remains at the Academy.

Captain Bishop was interviewed by the undersigned on 20 September 1976. He stated that while there appeared to be nothing irregular in his selection to attend the Advanced Course, he suspected that his request for deferment was denied because of his activities in defense of his cadet clients. Bishop had nothing tangible to offer to indicate that his suspicions were correct.

Captain Bishop did not specify which of his activities as a defense counsel in the EE 304 cases he thought might have precipitated what he suspects to be a reprisal action. Our investigation discloses a few non-routine defense counsel activities on his part, as follows: He appeared at the "public forum" staged by Representative Thomas J. Downey, where he voiced his suspicion that his requested deferment was denied because of his defense counsel activities. Prior to this, Bishop joined other defense counsel in signing the letters to the Secretary of the Army and the Secretary of Defense requesting, inter alia, that an impartial board be convened to inquire into the nature and scope of Honor Code problems.

The negotiations as to Bishop's attendance or non-attendance at the Advanced Course were conducted directly between Bishop and the Personnel, Plans and Training Office (PP&TO) in the Office of The Judge Advocate General (OTJAG) in the Pentagon. The USMA authorities were not involved, except that LTC Shimek was consulted as to whether Bishop's duties as defense counsel would be completed in time for him to begin the Advanced Course on 23 August 1976. In that connection, OTJAG had a firm policy that defense counsel in the EE 304 cases would not be reassigned before completion of their duties. LTC Shimek told PP&TO that while he supported the request for deferment, Bishop's last case was scheduled for hearing on 26 July 1976, that apparently his defense duties would be completed in time for him to attend the course, and that he would advise PP&TO of any change in that situation. OTJAG therefore concluded that deferment of attendance was not justified on the basis of Bishop's duties as defense counsel. Otherwise, it was and is the position of The Judge Advocate General that the Advanced Course is of great value to officers of the JAG Corps and that attendance is mandatory for career officers such as Bishop. Deferments of attendance are granted only in the most exceptional cases involving unusual hardship. The decision of OTJAG was that under this policy an exception to permit Bishop to pursue an advance degree at NYU on off-duty time also was not justified. Major Michael B. Kennett, whose duties in PP&TO involved him in the selection of attendees at the Advanced Course, told the undersigned that Bishop's role as a defense counsel did not figure in any way in the decision not to grant him a deferment. The decision was based solely on the fact that OTJAG did not believe that Bishop's desire to obtain an LLM in taxation for his own private purposes warranted an exception to the policy of mandatory attendance at the advanced course. Such requests for deferment had been made before and uniformly declined.

The undersigned also asked Major Kennett about a statement by Bishop that "An officer from this department [USMA Department of Law] was deferred [from attendance at the Advanced Course] because of his enrollment in a Master of Business Administration program" and that "a second officer was offered a deferment of one year because of his involvement in the honor cases." In the first case cited, according to Major Kennett, the officer was attending the MBA course at the request of the head of the Department of Law in order to enhance the ability of the officer to teach a course in business law to which he had been assigned. The officer was halfway through the course at the time (March 1976). The deferment was duly granted, not on the basis of personal hardship, but because the officer's attendance at the MBA course had an official purpose, having been requested by the command and considered to be in the best interests of the Academy.

The second case cited involved no more than the normal notification that, although he had been selected to attend the Advanced Course, the officer's attendance would be deferred for a year should it develop that he could not complete his EE 304 defense duties early enough to begin the course on time. (The officer did complete his duties and is now attending the Advanced Course.) Apparently the same assurance would have been given to Bishop had there been substantial doubt as to whether he would complete his defense duties in time to begin the course. This is implied in a PP&TO letter of 15 June 1976 wherein Bishop was advised that LTC Shimek would keep PP&TO advised as to any change in Bishop's "situation."

Finally, despite repeated inquiry, the undersigned could find no indication that Bishop has been hampered in his defense of cadets by any form of harassment. On the contrary, the evidence is that USMA provided ample administrative support for all the defense counsel and was very accommodating in providing enough time for preparation of cases and attorney-client consultation, and in the scheduling and rescheduling of hearings.

Finding

It is evident from the foregoing, without need of discussion, that the denial of deferment did not, under the circumstances, constitute harassment of Captain Bishop as a defense counsel. The denial clearly was unrelated to Bishop's defense activities, was made pursuant to a salutary policy of The Judge Advocate General, was consistent with earlier denials in like cases, and was not arbitrary or unreasonable.

D. Conclusions

a. In our opinion the complaints of harassment are well founded in the following particulars:

- The investigation of Captain Lincoln for unethical conduct as defense counsel for Cadet Verr was unwarranted.

- The West Point community's general disapproval of the activities of the more vocal of the defense counsel, which exerted moral pressure on all the counsel to defend their clients in ways more acceptable to the Academy, was in substantial part unwarranted.

- BG Ulmer's vocal disapproval of the activities of the defense counsel was improper, not in the best interests of West Point, and contrary to Army policy.

- Colonel Lough's adverse comment on Captain Sharphorn's latest efficiency report was unfair and should be withdrawn.

b. It is our further opinion that the remainder of the complaints of harassment are not well founded.

c. It is also our opinion that, despite the harassment noted, the defense counsel were not to any material degree hampered in the performance of their duties. Complaints of harassment were voiced by only a very few of the counsel, principally by Captains Lincoln and Sharphorn, and they could not, when asked, cite a specific instance in which they had been hampered in the defense of their clients. The record of the defense counsel is, in fact, quite impressive. Out of 202 cases referred for board action by the end of September 1976, 52 cadets were exonerated, 28 cases were dismissed by the Superintendent primarily for insufficiency of evidence and, with action on some board proceedings (involving 30 cadets) not yet final, this total of exonerations may be augmented.

E. Recommendations

It is recommended that you -

(a) Approve this report

(b) Take no action in regard to the unwarranted investigation of the alleged unethical conduct of Captain Lincoln. The subsequently issued directive that such investigations will not be conducted without the prior approval of The Judge Advocate General is, in our opinion, all the corrective action that is required.

(c) Sign and dispatch the attached memorandum directing the Chief of Staff to -

(1) Insure that the staff and faculty and the West Point community in general understand the role and responsibilities of military defense counsel, including the fact that their duty to their clients may on occasion require them to criticize the policies and procedures of the Academy and the actions of Academy officials.

(2) Take appropriate action with regard to BG Ulmer's improper criticism of military attorneys.

(3) Have Colonel Lough's adverse comment withdrawn from Captain Sharphorn's latest efficiency report.

(d) Inform Chairman Nunn and Chairman Nedzi of the results of this investigation and the corrective actions you are taking.

Bland West
Bland West
Deputy General Counsel
(Military and Civil Affairs)

Hugh J Clausen
HUGH J. CLAUSEN
Brigadier General, USA
Chief Judge
U.S. Army Court of Military Review

Attachment
Memo to C/S

Footnote: Resignation of Captain Lincoln

On 21 October 1976, one day before the conclusion of our investigation, Captain Lincoln unexpectedly tendered his resignation from the Army and requested that his resignation be made effective 1 November 1976. His resignation was duly accepted and he was discharged on that date.

Prior to his departure from West Point, Lincoln had an "exit interview" with the Superintendent. He said that he was resigning to accept a position with the mentioned Boston firm. The offer was a suprise, resulting from his noticing an advertisement in the Wall Street Journal and answering it with little expectation that it would produce a job offer. In fact, he had forgotten the matter by the time the company responded. Lincoln was one of some thirty applicants for the position. Company officials said that they had read media accounts of his defense counsel activities and were impressed with his agressiveness and dedication to his clients' interests. Captain Lincoln expressed wonderment at the circumstance that the publicity given to his controversial activities had led to his getting such an attractive position.

LTG Berry brought up the subject of his complaints about harassment of defense counsel. Lincoln smiled and said "I haven't been harassed at the Academy," adding that he felt he had been harassed by the Department of the Army, specifically, by the refusal to extend his tour of duty and his non-selection for promotion.

An article in the NEW YORK TIMES of 27 October 1976 stated that Lincoln was leaving the Army "under pressure," that he had been passed over for promotion during the summer; that he had recently been shifted "from criminal to civil matters at the Academy;" and that he had "accepted the inevitable" and decided to resign. Elsewhere in the article Lincoln was quoted as saying "You can kiss your career goodbye once you've been passed over for promotion . . . . I guess it was my outspokenness on the West Point matter."

A similar article, couched in more florid terms, appeared in The Times Herald Record, Middletown, New York, in a "regular feature" called "Newsmakers." Following are extracts from the article:

* * * *

> As Capt. Lincoln, military lawyer, he successfully challenged the U.S. Military Academy's handling of what became its biggest cheating scandal.
>
> He played David to the Army's Goliath - and won many of the battles. But in the process, he was scarred.
>
> He was passed by for promotion, despite what he said was considered to be a good record. Along with that, he was transferred from criminal to civil matters at the Academy. "So, I accepted the inevitable," he said Monday night and decided to resign.

* * * *

> "When this so-called cheating scandal began, I was assigned the first five cases. I was ready to dismiss it with the thought the men were guilty. But the more I studied, the more I found out. I grew to see the system was guilty."
>
> "But at the very beginning, I never thought I'd end up in Washington with Congress or on the front pages of The New York Times or on nationwide television."

* * * *

He was "just a face in the crowd," he says, until the circumstances of this summer were thrust upon him.

"I felt the cadets were getting screwed, so I became a lawyer. The Army wants us to be soldiers first, attorneys second. That way is easier, I suppose. But it's not the right way.

"I never saw myself as a knight in shining armor. I was a man doing his job. I made some dumb mistakes, but I admitted them and went on.

"But the Army can't admit, at least publicly, that it's made mistakes."

Lincoln says his stand, his "not playing the game," branded him. "I found out who my true friends were. Some agreed to my face with what was happening, but they'd cut me up behind my back. Some said they agreed, 'but don't ever use my name.'

"They were soldiers, but they have no guts. The Army has made them into robots. They all became afraid of losing something career wise."

"I feel they lost something more important."

According to "true friends" like Catholic Chaplain Tom Curley, and several cadets, "The Army is losing a great man."

* * * *

Lincoln told friends after tendering his resignation that he had accepted a position as an attorney with Action, Inc., a communications firm of Boston, Massachusetts, at an annual salary of $32,000.